Record of Decision
for
DAKOTA PRAIRIE GRASSLANDS

FINAL ENVIRONMENTAL IMPACT STATEMENT
AND
LAND AND RESOURCE MANAGEMENT PLAN

Lead Agency:
U.S. Department of Agriculture
Forest Service
Northern Region

Responsible Official:
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LITTLE MISSOURI, GRAND RIVER,
CEDAR RIVER AND SHEYENNE
National Grasslands

Located within the North Dakota counties of
Billings, Golden Valley, Grant, McKenzie, Ransom,
Richland, Sioux and Slope, and
the South Dakota counties of
Corson, Perkins and Ziebach

JULY 2002

TABLES:

PREFACE

A Letter from Brad Powell, Regional Forester for the Northern Region of the U.S. Forest Service

A history of people on the land

In government jargon what you are reading is called a Record of Decision or a ROD. It describes my decision to approve the Revised Land and Resource Management Plan for the Dakota Prairie Grasslands (DPG) and why I made this choice. I feel a good way to describe this "ROD" would be a letter to the people I work for - each and every American across this land.

Specifically, this ROD has two purposes: First, it is a legal document detailing a formal decision from a government agency. Secondly, and equally important, it is also a genuine attempt to explain the "why" of that decision. This document, as the decision it describes, is a balance. A ROD must satisfy legal requirements. Additionally, I want this document to explain "why" I selected a certain course and how it addresses Americans' needs and desires for these national grasslands. It is also my sincere desire that I speak clearly through this document. In those places where legality makes for hard reading, I apologize.

Also, let me say that although this decision is mine, it has not been made alone. More than 74,000 letters and postcards were received on the draft and the final environmental impact statements (EISs), and draft and the final plans for the Northern Great Plains planning area. These comments helped guide DPG staff members as they developed the Revised Grasslands Plan. This ROD and the supporting Revised Grasslands Plan are forward looking documents that will shape the management of the DPG for the next 10 to 15 years.

A person unfamiliar with the grasslands might wonder why discussion about such a sparsely populated prairie region would trigger 74,000 comments. The answer is found in history. So many people expressed their concern about the grasslands because grassland history is not just a story about a prairie, but about people looking to that prairie as a source for food, economic opportunity, recreational pursuits, and spiritual renewal. The national grasslands represent a large portion of the public lands in both North Dakota and South Dakota. As access to private lands becomes more difficult, the importance of public lands to people looking for outdoor experiences increases. These societal changes require that I look to the future in shaping management while remembering the past and those who depend on the grasslands for more traditional uses. I believe this Revised Grasslands Plan provides this balance.

This revision process has been arduous, lengthy, and at times, contentious. I want to sincerely thank all the people who participated in the process, especially those who became involved in the numerous collaborative efforts seeking solutions. People on the prairie do not lack passion. I want to make it clear that the Forest Service understands its special role in managing the national grasslands. We recognize these lands are not national forests but are managed within the National Forest System. We also recognize the specific laws, customs and culture that created these lands, and the special relationships with people that have evolved over the decades.

For thousands of years Indian nations hunted and thrived on the grasslands. A spiritual tie to the land based on Indian beliefs developed and is still honored today. However, as America pushed west, the grasslands became home to new settlers in the form of homesteads. It was U.S. government homesteading policy that encouraged these people to settle the prairie.

These new homesteaders tilled the land and raised crops to "prove up" the land for ownership. But when drought came in the 1930s, crops shriveled and the fragile, exposed soil blew. The "Dust Bowl Era" drove people away from the land and devastated local economies.

The homestead policy wasn't always compatible with available land. Drought, temperature extremes, insects and fire played a significant role on the prairie. The grasslands could not sustain large-scale farming, but the land would grow grass in most years. With government help, farmers became ranchers and some of the natural processes that sustained the prairie throughout time began to take hold once again.

In an effort to add economic stability to failing local economies, the U.S. government began buying private lands, under programs called Land Utilization Projects. What began as a program to purchase and develop submarginal land, gradually evolved and expanded into a program designed to transfer land to its most suitable use. In 1937, the Bankhead-Jones Farm Tenant Act gave the Secretary of Agriculture management authority

over these public lands through the Soil Conservation Service. Title III of that act authorized the secretary *"…to develop a program of land conservation and land utilization, including the retirement of lands which are submarginal or not primarily suitable for cultivation in order thereby to correct maladjustments in land use, and thus assist in controlling soil erosion, reforestation, preserving natural resources, mitigating floods, preventing impairment of dams and reservoirs, conserving surface and subsurface moisture, protecting watersheds of navigable streams, and protecting public lands, health and safety and welfare…"*

In 1954, administration of these lands was transferred from the Soil Conservation Service to the Forest Service. In 1960, the Secretary of Agriculture designated these lands as national grasslands.

For decades, ranchers raised livestock on the national grasslands. Their children grew, took over family operations, and raised families of their own.

As time passed, oil and gas resources were discovered on the national grasslands. More leisure time became available to Americans. Our society became more urbanized and more people began to look for recreational opportunities on their public lands. That created a trend of increasing recreational demand that is expected to continue into the future. Today, oil and gas development and the tourism industry, within and around the national grasslands, provide some needed economic diversity that helps provide stability to the cyclical nature of agriculture-based economies of the northern prairies.

Through their representatives in Congress, Americans have told the U.S. Forest Service that the grasslands are to be managed with a multiple-use philosophy. Today, management of the grasslands continues to be the responsibility of the Forest Service. We manage over 190 million acres of federal land, roughly 4 million of which are national grasslands.

In recent years, the states that are home to the grasslands have been undergoing a transformation. Economic conditions have required farms and ranches to become larger and more efficient. As this has occurred, more and more people are leaving rural communities and becoming urban dwellers. Yet, much of the local social fabric is rooted in the family farm and ranch operations. Many of these urban dwellers now look to the grasslands as places where they can reconnect with the natural environment.

The previous management plan for the grasslands reflected the desires that the public had nearly 15 years ago, when the primary focus was on what the land could produce. These desires are changing, and they will continue to change. Today's focus is centered more on the condition of the land, as a basis for providing multiple goods and services.

Much history remains to be written about the national grasslands. These lands can help people maintain a quality of life, both for the people who live and work on these lands, and for the people interested in spending time visiting these American treasures. People come to the grasslands not only to seek solitude, but also to teach their children how to canoe, to camp, or to hunt – to appreciate nature. The potential for outdoor recreation to help sustain local economies is great, as is the potential to continue the tradition of providing our children and future generations with special places to develop an appreciation for the natural resources of the country.

Recognizing that conditions on the grasslands do not remain static, that public desires change, and that new information is constantly being developed, the Revised Grasslands Plan embraces an adaptive management approach. This means that as conditions change, so will the management plan. Through both scientific research and talking to the people who use the grasslands, I intend to keep the Revised Grasslands Plan a document that respects the needs of people as well as nature's processes. In my mind, these are not divergent positions.

The national grasslands are managed under a multiple-use concept. It is the job of the Forest Service to find a place on the national grasslands for uses such as livestock grazing, outdoor recreation and mineral development, as well as habitat for wildlife and lands for healthy, diverse vegetation. That is not to say that each use can or should occur on every acre. The goal must be to blend the different uses in a way that is sustainable and best meets the needs of the American people.

"Sustainable" means satisfying present needs without compromising the needs of future generations. To maintain the goal of sustainability, the Revised Grasslands Plan establishes standards and guidelines that will provide for more diverse conditions than currently exist on the grasslands. In some areas, processes such as fire and rest, that are important in maintaining the overall health of the grasslands, will be reintroduced. In other areas, intensive resource development will occur to provide for public use and the area's economic health. The buffalo were key to maintaining some of the natural processes in the past; properly managed livestock grazing can replicate this

effect. Oil and gas development on the national grasslands will continue to fuel local and state economies and be done in a way that maintains a diversity of recreational settings, scenic integrity and ecological processes.

The Revised Grasslands Plan ensures that young ranchers will be able to grow up and pass on ranching skills to a new generation. Oil and gas development will continue to provide secure jobs for people, which in turn will help to create stable communities. In addition, this plan reflects the public's desire for a more balanced consideration when allocating land for specific uses. In other words, this plan continues all of the traditional uses while opening the door for a new set of traditions.

As a final nod toward legality I need to add that throughout the development of the Final EIS and the Revised Grasslands Plan, I have asked for a plan that is scientifically credible, resource-sustainable, and legally sufficient. I believe this plan meets those criteria. As noted below I have provided more assurances in the form of a "phased" or "interim" decision on grazing and a review of 64 sample allotment management plans. I provided these assurances to provide a greater degree of certainty to ranchers and to demonstrate our commitment to sound range management, sustainability, and multiple-use of these lands.

Dakota Prairie Grasslands At A Glance

Features that make the grasslands special

The Dakota Prairie Grasslands (DPG) is comprised of the Little Missouri, Sheyenne, Cedar River and Grand River National Grasslands located in North Dakota and northwestern South Dakota. In these units more than 1.2 million acres of Forest Service administered land is intermingled with other federal ownership along with land owned by the states and private citizens. The DPG is rather unique in that it can be characterized as generally remote and relatively undeveloped while also providing a high level of multiple use values for people.

The DPG provides forage for about 63,000 cattle annually. Oil and gas development contributes to meet the needs of people across the nation. In addition to these uses, the grasslands also provides excellent opportunities for outdoor recreation activities.

The DPG provides habitat for diverse wildlife populations, including common species such as mule deer and pronghorn. Other wildlife and plant species not as commonly found in North Dakota, such as bighorn sheep, greater sage-grouse, greater prairie-chicken, and the western prairie fringed orchid, mainly depend on the national grasslands for habitat. In fact, the grasslands are often the only available habitat for many of the animals and plants found there. There are roughly 4,380 acres of prairie dog towns on the Little Missouri and the Grand River National Grasslands.

The DPG offers a variety of remote and backcountry experiences unique to the Northern Great Plains. In North Dakota, the DPG provides the backdrop for such activities. There are roughly 280,000 acres inventoried as roadless (about 21 percent of the grasslands). The 280,000 acres consists of 265,180 inventoried roadless acres identified by the Forest Service and about 14,000 acres identified by the public and determined to meet roadless criteria. About 11,000 acres of the publicly proposed roadless areas were determined not to meet the roadless criteria as part of the Roadless Rule process. See FEIS 3-361 and 3-362 and Appendix C. There are currently no grassland wildernesses or wilderness acres on the DPG.

Little Missouri National Grassland

- The Little Missouri is the largest national grassland in the nation, encompassing more than one million federal surface acres.
- Two ranger districts, McKenzie in Watford City, and Medora in Dickinson, manage this grassland.
- Public land is intermingled with other ownerships, including Theodore Roosevelt National Park, Bureau of Land Management, state, and private land.
- Leasable mineral activity and grazing are the primary commodity uses on the grassland.
- There are more than 500 producing oil wells on federal land.
- Four grazing associations with more than 400 permittees are allocated forage for livestock on this land.

Sheyenne National Grassland

- The Sheyenne National Grassland has more than 70,000 federal surface acres of tall-grass prairie and river woodlands in southeastern North Dakota. The Sheyenne District Office is located in Lisbon, North Dakota.
- The Sheyenne is the largest remnant of tall-grass prairie remaining in public ownership. The tall grass ecosystem is one of the most endangered in North America.
- The Sheyenne National Grassland is located within 50 miles of Fargo, ND. Such a location provides more than 100,000 people an opportunity to venture into landforms such as the Sheyenne River terrace, choppy and hummocky sandhills, and the deltaic plains. The proximity of the Sheyenne to such a large population reinforces the importance of maintaining natural environments. However, it is this very proximity to a large population that makes management of such areas so difficult. Large numbers of people increase the pressure, and management requirements, for such an ecologically sensitive area as the Sheyenne National Grassland.
- This area has one federally listed threatened species – the western prairie fringed orchid and more than 40 sensitive species.

Grand and Cedar River National Grassland

- Managed by the Grand River District Ranger in Lemmon, South Dakota, the Grand River National Grassland encompasses about 154,000 acres in northwestern South Dakota while the Cedar River National Grassland is comprised of roughly 6,800 acres located in southwestern North Dakota.
- The two areas include mixed-grass prairie of rolling hills, river breaks, and some badlands type topography.
- Most of the Cedar River unit and a significant portion of the Grand River lie within the boundaries of the Standing Rock Indian Reservation.

MY DECISION

I have selected "Modified Alternative 3 Final." This alternative is a modification of Alternative 3 Final as described in the Final Environmental Impact Statement (FEIS). The modifications to Alternative 3 Final include the following:

- A new Management Area (MA), MA 3.51B was created, encompassing four areas originally contained within MA 3.51A. MA 3.51B allows leasing with Controlled Surface Use (CSU) and timing stipulations rather than making the areas not currently available for leasing (See Attachment A).
- Allows prairie dog poisoning on a case-by-case basis where unwanted prairie dogs are encroaching on private lands when consistent with a statewide prairie dog conservation strategy. These efforts will only be implemented if the Forest Service's nationwide moratorium on black-tailed prairie dog poisoning is lifted.
- A "phased" or "interim" decision on livestock grazing will be implemented pending development and review of 64 sample revised allotment management plans (AMPs) and verification of the effects of the Revised Grasslands Plan on grazing.

In selecting Modified Alternative 3 Final, I am adopting the Revised Grasslands Plan for management of these lands that describes in detail the goals and objectives, standards and guidelines, MA direction, monitoring requirements, and recommendations for special areas.

Overall, these three changes put a slightly greater emphasis on commodity production. The alternative, however, still places nearly the same emphasis on native plants and animals and recreation opportunities as Alternative 3 Final. The project file and addendum to the FEIS contain analyses indicating the effects of this alternative are the same as those noted for Alternative 3 Final. This alternative has provisions to ensure viable plant and animal populations, including prairie dogs and bighorn sheep, would be maintained. For these reasons, a supplemental EIS is not required based on the changes incorporated into Modified Alternative 3 Final.

This alternative includes an area available for reintroduction of black-footed ferrets. With this area, this alternative makes needed contributions to the national recovery program.

Through this planning process the Forest Service has estimated the effects of implementing Modified Alternative 3 Final. With regard to livestock grazing the Forest Service has estimated a nine percent reduction in grazing levels. Other entities have estimated reductions of 43 to 69 percent, and these estimates have fueled controversy stemming from projections of major adverse economic effects on local communities and a perceived uncertainty of effects to individuals. To remedy this situation, I have decided to "phase in" this decision with regard to livestock grazing. The first phase of the decision will include development of sample AMPs that will be reviewed by a "Scientific Review Team." After consultation with the North Dakota Governor, the DPG supervisor will nominate the team's members, and I will appoint the members. This team will include a variety of disciplines and will review 64 sample AMPs. Completion of these sample allotments will be like taking the new plan out for a "test drive." The intent of this "test drive" is to determine if the grazing portion of the plan can be implemented and to verify that grazing levels are similar to those projected in the Revised Grasslands Plan FEIS. After completion of this "test drive," I will make a final decision either to adopt the grazing portion of the Revised Grasslands Plan or to make any needed adjustments or changes. The "test drive" will be completed within two years. Proposed changes to livestock grazing, either reductions or increases, will be monitored on-the ground over the life of the plan to ensure the plan's goals and objectives, and desired conditions, are being achieved or moved towards.

Until this "test drive" is completed, implementing the Revised Grasslands Plan through site-specific NEPA decisions to revise AMPs will not occur, but AMP revision work will continue through the two-year "test". Normal annual adjustments in grazing levels and activities will be made as necessary to adjust to weather and other factors, and will not be affected by this "interim" decision. When the grazing portion of the plan is finalized, AMP decisions will be completed, signed and implemented. All other parts of this revised plan will be implemented as noted in the Implementation Section of this document.

This "phased in" grazing decision is not a significant change from Alternative 3 Final. The DPG's first revised allotment management decision is not due to be completed (signed) until FY 2004. Work will continue on the scheduled revised AMPs and the sample allotments concurrently over the two-year period. In the event the Revised Grasslands Plan projections are verified, revised AMPs will proceed as planned, and needed changes in the revised AMPs will be initiated. The intent of the Revised Grasslands Plan, as it relates to livestock grazing, is to implement it over a period of years as AMPs are revised. The "interim" grazing decision will allow the AMPs to be revised in a timely manner consistent with the assumptions used in the Biological Assessment and Biological Evaluation. Therefore, Alternative 3 Final Modified would not change the biological determination of effects that are given in FEIS Appendix H.

This "phased" grazing decision does not substantially or significantly change our analysis or determinations of compliance with National Environmental Policy Act (NEPA), National Forest Management Act (NFMA) and the Endangered Species Act (ESA) discussed as part of Alternative 3 Final and the Modified Alternative 3 Final in the FEIS and project file. I will proceed with the conservation measures presented in MA 3.63 and in Appendix N of the Revised Grasslands Plan upon signing this Record of Decision. These measures are designed to benefit the endangered black-footed ferret and threatened western prairie fringed orchid, and will fulfill our responsibilities under the Endangered Species Act.

These biological determinations considered that revising AMPs and subsequent implementation would occur continually over the planning horizon. The "phased in" decision will not appreciably alter the AMP implementation schedule projected in the viability determination.

In listening to concerns during the planning process, I became convinced that solutions are available to minimize adverse effects to livestock grazing permittees. These solutions will require greater investments in noxious weed control, land adjustments, and monitoring. Better control of weeds will result in more forage available to livestock as well as reducing pressure on sensitive species. Land acquisitions or exchanges may improve landownership patterns that reduce the cost of managing both public and private land. Land acquisitions can provide greater flexibility in livestock management and provide "grassbanks" for use in times of drought, rest or need. Increasing the level of monitoring will improve understanding of the effects of our management on the grasslands. It will contribute to adaptive management processes. More emphasis on these measures will help to reduce long-term costs and improve the economic viability of ranching, as well help to restore and manage grassland ecosystems. I intend to do my best to increase Forest Service investment in noxious weeds control and monitoring on the Dakota Prairie Grasslands. I also intend to increase our emphasis on landownership adjustments that meet the needs of the states, counties and individuals, while improving overall national grassland management.

WHY "MODIFIED ALTERNATIVE 3 FINAL"?

An attempt to strike a balance

I chose Modified Alternative 3 Final because of the manner in which it achieves the goals and objectives outlined for the grasslands in Chapters 1 through 3 of the Revised Plan. These goals and objectives adhere to the requirements of the National Forest Management Act (NFMA) - to provide for multiple use and sustained yield of products and services including coordination of outdoor recreation, range, watershed, wildlife and fish, and wilderness – see *16 USC 1604(e).* To this extent, I find Modified Alternative 3 Final to be consistent with all statutory authorities governing the grasslands, including the Bankhead-Jones Farm Tenant Act.

This alternative best addresses the balance between ecology, economic needs and greater protection for natural landscapes. It continues significant levels of traditional commodity production while providing new opportunities for economic growth and greater diversification of local economies. It continues current motorized recreational uses over most (90%) of the grasslands. It provides opportunities to develop educational and interpretive resources for unique areas of the Dakota Prairie Grasslands. While growth in recreation and tourism is currently occurring and helping to diversify local economies, Modified Alternative 3 Final will support growth in recreation and tourism better than alternatives 1 or 2.

Preserving areas identified as roadless is very important to many who commented. To the extent possible, Modified Alternative 3 Final will preserve some (approximately 140,000 acres of nearly 280,000 acres) of the roadless areas, given the valid rights that exist on some of these areas.

Finally Modified Alternative 3 Final maintains the health of the grassland ecosystem. It provides for healthy diverse vegetation sufficient to maintain the viability requirements of all grassland plant and animal species. Only this alternative and Alternative 3 Final meet this goal.

Modified Alternative 3 Final was built around the public's diverse wishes, the wants and needs of our American Indian neighbors, and other government agency objectives. It needs to be noted that the Standing Rock Sioux Tribe and Three Affiliated Tribes favored Alternative 4. However, I felt that the adverse economic effects of this Alternative 4 were too great to implement. Modified Alternative 3 Final strikes a balance, through safeguarding the integrity of ecological processes and providing for sustainable multiple uses and benefits.

The most important part of my decision was ensuring the long-term health of the land for the enjoyment and benefit of future generations. I know that selecting Modified Alternative 3 Final is not going to completely satisfy every group or individual. However, I've concluded that Modified Alternative 3 Final is a reasonable compromise that retains a relatively high level of ecological health and a high level of commodity production. As provided in *36 CFR 219.10 (f)* and *(g)*, this decision will remain in effect until this plan is again amended or revised.

THE CHANGES TO "ALTERNATIVE 3 FINAL" THAT MAKE UP "MODIFIED ALTERNATIVE 3 FINAL"

Bighorn sheep and developing oil & gas

Modified Alternative 3 Final includes a change to address county, state, and industry concerns regarding the availability of lands for potential oil and gas development. MA 3.51B has been added which allows leasing with Controlled Surface Use (CSU) and timing stipulations rather than potentially not leasing the lands at all. MA 3.51B encompasses four areas that were originally within MA 3.51A. This change helps address the concerns over the economic effects of the Revised Grasslands Plan.

Before these modifications, oil and gas leasing of MA 3.51A lands "may" have occurred contingent on the development of adjacent nonfederal minerals and the effects to bighorn sheep. My decision will create a new MA (3.51B) that will still protect the bighorn sheep while allowing these lands to be leased with CSU and timing stipulations (reference the attached MA3.51B management direction). By making this change, and allowing leasing in these areas, oil and gas development becomes more likely. Within the same general location, I have retained a bighorn sheep lambing area under MA 3.51A to provide for greater habitat protection. I conclude this management direction is sufficient to protect bighorn sheep (reference biological determination 5/20/02-FEIS, project file).

The Reasonably Foreseeable Development (RFD) scenarios, prepared by both the Forest Service and the North Dakota Industrial Commission, were altered due to this change. The change increases the projected number of oil and gas wells that could be drilled under the Forest Service's RFD scenario by one (1) well, and reduces the number of wells projected to be eliminated from 26 to 25 wells. This change does not appreciably alter the Forest Service's RFD. The RFD, and economic analysis associated with it, is still valid. The North Dakota Industrial Commission concluded that this change reduces the number of wells eliminated from drilling in their RFD from 93 to 60. As such, the difference between the Forest Service RFD and the North Dakota Industrial Commission's RFD, was considerably reduced.

Managing prairie dogs

Prairie dog management continues to be a contentious issue. FEIS Alternative 3 Final allows use of rodenticides for reducing prairie dog populations under three conditions:

1. Where there is a threat to public health and safety.
2. Where prairie dogs are causing damage to private and public facilities such as cemeteries and residences.
3. Where there is unwanted prairie dog colonization occurring on lands adjacent to the national grasslands and reduction is consistent with a U.S. Fish and Wildlife Service approved, state-wide prairie dog conservation strategy.

With regard to number 3 above, the USFWS has indicated they no longer intend to approve state level conservation strategies. Given this change, I have decided to strike the words "U.S. Fish and Wildlife Service" from number 3 above (Revised Grasslands Plan, p 1-18). The USFWS has been consulted on this change and has concurred that this change does not alter its "no jeopardy" biological opinion for the black-footed ferret. This means I will consider the use of rodenticides where there is unwanted colonization on a case-by-case basis. It must be consistent with the statewide prairie dog conservation strategy and will not be implemented until the Forest Service's nationwide policy on black-tailed prairie dog poisoning is revised. Under this direction, site-specific environmental analysis and coordination with the U.S. Fish and Wildlife Service would be required before the use of any rodenticide. I will review this prairie dog management policy three years after signing this ROD. The current national policy allows use of rodenticides as stipulated in the first two instances noted above.

As a good neighbor, I feel prairie dogs should be controlled in some cases. I also recognize the importance of the national grasslands in increasing prairie dog numbers and improving prairie dog viability. I also recognize their importance to black-footed ferret recovery and am committed to the program.

"Phased" or "interim" decision

This portion of the decision is intended to provide assurances to grazing permittees and local communities regarding the projected effects of this

Revised Grasslands Plan and the science used in its development. I am committing that no AMP revisions will be approved before the development and review of 64 sample AMPs by a review team of experts. However, site-specific NEPA decisions and revised AMPs may proceed, if requested by a Dakota Prairie Grasslands grazing permittee. If the sample AMP review verifies Forest Service projections, a final plan decision for grazing will be made. If the review shows that adjustments are needed, these changes will be made and incorporated into the final grazing decision.

For ranchers and local communities, this portion of the decision poses minimal risk. This portion of the decision is intended to reduce concerns, build confidence, and promote better understanding of this plan.

Because the AMP revision process will continue over the two-year "test drive" of the grazing decision, it is not anticipated that the "phased" decision will add appreciable delay to the AMP revision schedule unless significant rework of the grazing portion of the decision is needed.

Other minor changes

Other minor changes have been made in the plan as noted in the errata list. These changes did not result in changes to the analysis or the effects presented in the FEIS.

OTHER CONSIDERATIONS

During the time this plan has been developed, a number of changes have occurred affecting the regulatory framework in which this plan exists.

Planning Regulations

The Northern Great Plains planning effort was a coordinated effort to revise the management plans of the Dakota Prairie Grasslands, the Nebraska National Forest and associated grasslands, and the Thunder Basin National Grassland. When the Northern Great Plains revision effort began in 1997, the agency's 1982 planning regulations were in effect. On November 9, 2000, new planning rules were adopted. However, the 2000 planning rules allowed a revision to be completed under the old rules if: 1) the revision had begun before the new rule was issued, and 2) the notice that the draft environmental document was available had been published in the Federal Register before May 10, 2001. The Northern Great Plains revision effort met these criteria and proceeded under the 1982 planning regulations.

Government Performance and Results Act

In 1993, Congress passed the Government Performance and Results Act. It required federal agencies to prepare periodic strategic and annual performance plans, focusing on outcomes and results. The first such plan issued by the Forest Service in 1997 replaced the agency's former strategic plan created under earlier legislation. This plan was updated in 2000.

The goals and objectives in the Revised Grasslands Plan are based on the 2000 strategic plan. The goals are slightly different from those in the draft EIS, making them consistent with the current strategic plan.
The strategic goals include:

- Ecosystem health
- Multiple benefits to people
- Science and technical assistance
- Effective public service

Changes and additions to the objectives and implementing strategies were based on public comment and new information in the current strategic plan.

Initiating A National Energy Policy

In May 2001, President Bush issued Executive Order 13212, ordering agencies to " …expedite their review of permits or take other actions as necessary to accelerate the completion of such projects, while maintaining safety, public health, and environmental protections." In August 2001, the Forest Service developed a plan to implement the order.

The grasslands have a clear role in implementing this policy to develop reliable domestic sources of energy. The grasslands contain part of the Williston Basin, an important source of oil and gas. In order to comply with this national direction, this plan purposely allows for developing coal, gas and oil. It also allows for whatever actions necessary – to the extent permitted by law and regulation and where appropriate – to expedite permit reviews and accelerate completing energy development and transmission (i.e., pipelines) projects, while maintaining safety, public health and environmental protection.

We examined land-status and lease-stipulation impediments to federal oil and gas leasing in Chapter 3 of the FEIS – see pages 3-114 through 3-155 – and modified them where opportunities existed consistent with law, good environmental practices, and balanced use of other resources. With an eye to considering changes, we reviewed public land withdrawals and lease stipulations with full public consultation. To the extent appropriate in a land management plan, we conclude that we are consistent with and have addressed the goals of the Executive Order and the Forest Service's Energy Implementation Plan.

Off-Highway Vehicle Decision

The Off-Highway Vehicle Record of Decision and Plan Amendment for Montana, North Dakota and portions of South Dakota (OHV Decision) was signed in January 2001 by former Regional Forester Dale Bosworth.

The OHV Decision prohibited wheeled motorized cross-country travel on the grasslands, where cross-country travel is defined as travel off existing roads and trails. The OHV Decision does not close any existing roads or trails, or prohibit construction of new roads and trails. It does not apply to private and states lands, or affect persons having existing access rights. It contains exemptions for wheeled cross-country motorized travel for the military, fire, search-and-rescue, law enforcement, official administrative business, lessees and permittees, and for travel to a campsite within 300 feet of an existing road or trail.

The OHV Decision was incorporated into the Revised Plan, Modified Alternative 3 Final, for the Dakota Prairie Grasslands. The Northern Great Plains EIS tiers to the analysis contained in the OHV Decision FEIS.

Roadless Area Conservation Rule

On January 12, 2001, former Secretary of the U. S. Department of Agriculture Dan Glickman signed the Special Areas, Roadless Area Conservation Final Rule (the Roadless Rule). The Roadless Rule prohibited new road construction and timber harvest in inventoried roadless areas. Several exceptions allowing new road construction were listed:

- In conjunction with the continuation, extension or renewal of a mineral lease;
- Pursuant to reserved or outstanding rights;
- Needed to protect public health and safety (law enforcement, fire suppression etc.);
- To conduct a CERCLA (Comprehensive Environmental Response, Compensation and Liability Act) action;
- Needed to prevent irreparable resource damage;
- Needed for road safety; or
- Determined to be in the public interest.

In addition, the rule specifically does not affect a state's or private landowner's right of access to their land.

On May 10, 2001, the Idaho District Court enjoined the Forest Service from implementing "all aspects of the Roadless Area Conservation Rule." The Idaho District Court's decision has been appealed and is now pending before the Ninth Circuit Court of Appeals; however, the Roadless Rule remains enjoined.

On June 7, 2001, the Chief of the Forest Service issued a letter providing interim protection of inventoried roadless areas. The letter said, "… the Forest Service is committed to protecting and managing roadless areas as an important component of the National Forest System," and that the best way to do this was to "protect and sustain roadless values until they can be appropriately considered through forest planning." The Chief also said interim direction would be issued for managing inventoried roadless areas until forest plan amendments or revisions could consider their long-term protection and management. Interim direction was issued on December 20, 2001.

The Northern Great Plains revision was begun in 1997, before the Roadless Rule was adopted. The Northern Great Plains FEIS was issued in July 2001, after the May 2001 decision enjoining the Roadless Rule.

As part of the Northern Great Plains EIS, an inventory of the areas that were essentially roadless in character was completed for each planning unit, including the grasslands. For each area, the FEIS contains a description of the affected environment, along with analyses of capability, availability and an evidence of wilderness need – see FEIS pages 3-359 to 3-378 and Appendix C.

Roadless areas were allocated to management areas (MAs) by alternative, from MA 1.2, *Recommended for Wilderness*, to MA 6.1, *Rangeland with Broad Resource Emphasis* – see FEIS page 3-369. In so doing, this plan revision process fully meets the Chief's intent and direction to consider the protection and management of roadless areas.

By selecting Modified Alternative 3 Final, this ROD provides for management of roughly 140,000 acres of inventoried roadless lands on the DPG for retention of their current roadless character by prohibiting future road construction (with exceptions for outstanding rights, etc.). An additional estimated 140,000 acres of inventoried roadless lands will be managed so that they

would be available for potential road construction, subject to subsequent project analysis and decision.

If the Roadless Rule injunction is lifted, and/or the agency implements a Roadless Rule that alters the management direction of this plan revision, the grassland's inventoried roadless areas will be managed as directed by the Roadless Rule.

Transportation Rule and Policy

On January 12, 2001, former Chief of the Forest Service Mike Dombeck signed the Administration of the Forest Development Transportation System; Prohibitions; Use of Motor Vehicles Off Forest Service Roads (Transportation Rule), and Forest Service Transportation, Final Administrative Policy (Transportation Policy). The Transportation Rule and Policy provide guidance for transportation analysis – they do not dictate or adopt land management decisions.

The Transportation Rule requires the Forest Service to identify a minimum road system, determining which roads are needed (classified) and which roads are unneeded (unclassified). Decisions are to be accomplished through area/project planning and documented through the NEPA process, including full public participation.

This revised plan does not make these decisions – these decisions will be made through subsequent NEPA analysis. Objective number 1 under Goal 4.a of the revised plan states: *"Within 5 years, identify travel opportunities and restrictions; including designating motorized travel-ways and areas, to meet land management objectives."* See DPG Plan page 1-7.

Beginning on January 12, 2002, the Transportation Policy requires a roads analysis (watershed or project-area scale) be prepared before most road management decisions are made, to inform those decisions to construct or reconstruct roads. This roads analysis is not a formal decision-making process. Road management decisions are made through the NEPA process with full public participation and involvement.

The DPG has completed a grassland wide roads analysis and those results were considered in this decision. The DPG is conducting road analysis where required, as a routine part of project analysis. Guideline #5 in Grassland-wide Direction under Q. *Infrastructure Use and Management,* is consistent with the Transportation Policy, stating: *"Perform site-specific Roads Analysis, including public involvement, prior to making any decisions on road construction, reconstruction, and decommissioning."* (DPG Plan page 1-27).

Key Themes For A Revised Grassland Management Plan

As we began to talk with the public about a new grassland plan a handful of themes became clear. These themes took shape largely as a result of the public telling us how they wanted the grasslands managed. These themes evolved into "the revision topics," forming the heart of the new management plan. The revision topics include the following:

- Community relationships
- Livestock grazing
- Oil and gas leasing
- Plant and animal damage control
- Rangeland and forest health
- Recreation and travel management
- Special area designation.

With these revision topics as a guide, I developed five more criteria that assisted me in making my decision. These five criteria were created to help describe my decision in the context of Forest Service legal requirements and the key issues I considered. The five decision criteria follow:

Ensuring the long-term health of the grasslands

This criterion is used to evaluate how the decision affects rangeland condition, including the health of the soil, air and watersheds, and plants and animals. Control and management of noxious weeds and non-native invasive species are a high priority for ensuring long-term health. Our focus is on maintaining and improving land productivity components that will support sustainable uses and resources. A healthy grassland ecosystem will provide options for future generations.

Ensuring long-term health of the land requires maintaining a diverse set of habitat conditions for plant and animal communities. Achieving this diversity will require active management of ecosystems through livestock grazing, prescribed burning, and other management activities aimed at achieving diverse vegetative compositions and structural conditions. I believe that Modified Alternative 3 Final provides balance for achieving diversity on the grasslands.

Helping native plants and animals to recover and thrive

Ensuring that plant and animal communities thrive is a basic expectation under the National Forest Management Act. The DPG provides vital habitat for the western prairie fringed orchid, and North Dakota's populations of bighorn sheep and greater prairie-chicken. The grassland is also important to the conservation of species such as Dakota buckwheat, Sprague's pipit, and many others. The need to conserve these and other plants and animals is addressed in Goal 1.b of the Revised Grasslands Plan. This goal provides ecological conditions to sustain viable populations of native and desired non-native species, and to achieve the objectives for Management Indicator Species (MIS). This goal can best be accomplished by diversifying vegetative structure and composition, by limiting disturbance during critical times of the year, and by using grazing, rest, and fire to restore and maintain healthy vegetative communities. These conditions will be accomplished under Modified Alternative 3 Final. Modified Alternative 3 Final also contains special management areas (MAs) for black-footed ferrets, bighorn sheep, and ecological restoration.

The public has told lawmakers and the Forest Service that protecting species is important. The National Forest Management Act directs the Forest Service to provide for the diversity of plant and animal communities in order to meet overall multiple-use objectives and within the multiple-use objectives of the land management plan. This would include maintaining habitat to support viable populations of black-tailed prairie dogs. Many on the Great Plains consider prairie dogs pests. They are also a species that has been determined by the U.S. Fish and Wildlife Service to be "warranted, but precluded" for listing under the Endangered Species Act. The Revised Grasslands Plan provides for expansion of prairie dog habitat on the Little Missouri and Grand River National Grasslands, helping to maintain the prairie dog's viability as well as the viability of associated species. This action will hopefully help to prevent the listing of the black-tailed prairie dog as a threatened or endangered species. Furthermore, land exchanges in intermingled land ownership areas will be pursued where there are willing participants and where prairie dog expansion is desired. I want to reduce conflicts with private adjacent landowners and will consider requests for poisoning unwanted prairie dogs on a case-by–case basis, consistent with statewide conservation strategies and national Forest Service policy, when they are encroaching on private land.

Under Modified Alternative 3 Final, habitat to support the viability of all threatened, endangered, and sensitive species would be maintained or improved. Furthermore, populations of management indicator species such as sharp-tailed grouse would be expected to increase. This was not the case for the other alternatives. For example, Alternatives 1, 2, 3 Draft, and 5 would threaten chances for recovering the black-footed ferret. For species such as smooth goosefoot, handsome sedge, and showy lady's slipper, Alternative 3 Final and Modified Alternative 3 Final were the only alternatives that would maintain viability. The contribution that Modified Alternative 3 Final would make toward the conservation of the DPG's plants and animals was an important consideration in my selection of this alternative.

The status of several species has changed since the FEIS was released. The swift fox and sturgeon chub are no longer considered candidate species by the U.S. Fish and Wildlife Service. Conversely, the Dakota skipper butterfly has recently been added to the candidate species list. The status of the Dakota skipper butterfly will be reviewed annually by the U.S. Fish and Wildlife Service to determine whether or not it should be listed under the Endangered Species Act. All of these species have already been analyzed in the FEIS. The swift fox, sturgeon chub, and Dakota skipper are considered sensitive.

Contribute to economic diversity of local economies by using grassland resources in a sustainable way

To ensure sustainable communities, productivity of the land must be maintained and protected. The Forest Service desires productive land that supports not only traditional uses, but also new endeavors that will diversify and strengthen local economies for current and future generations. The real question, of course, is how? Today, uses include grazing, oil and gas development, and traditional outdoor recreation activities. Our Revised Grasslands Plan provides for these historical uses while also promoting conditions that meet the needs and desires of other grassland users as well. As Americans find more leisure time, opportunities for eco-tourism in the Dakotas will increase. Management options necessary to respond to future changes in public needs and desires will be preserved. The selected alternative also provides the flexibility necessary to manage uses and resources more intensively.

The acres suitable for grazing are nearly the same for Modified Alternative 3 Final as they are for Alternative 1 and the existing condition. However, how some of these acres are grazed will change in order to provide a diverse set of vegetation conditions. While the Revised Grasslands Plan projects an overall 9% reduction in livestock grazing, this projection is predicated on season long grazing, a system which provides the lowest level of grazing. Many areas are currently managed under more intensive grazing systems. This plan provides the flexibility to continue to improve management by using these systems. Such changes will provide positive effects on grazing levels when compared to those projected using season long grazing.

Mineral revenues are an important source of income to the state and some North Dakota counties. Between the years of 1996–2001, payments to the state and counties of ND ranged from two to five million dollars annually.

Currently more than 97% of the Little Missouri and Cedar River National Grasslands are available for oil and gas leasing while 76% is available for surface occupancy. Modified Alternative 3 Final makes 95% of this area available for oil and gas leasing and almost 75% available for surface occupancy. This demonstrates our attempt to maintain these traditional uses at a high level. In addition, valid existing rights will be honored. Of a potential 660 new wells on all ownerships over the next 10 years, 635 could be developed under this plan. These projections are based on historical drilling data. Commodity prices will be the dominant factor in determining the amount of drilling that occurs.

Current information shows that recreation use is growing and becoming a greater part of the economies of these communities. While we projected that no growth would occur as a result of management changes in our analysis, available data indicates recreation use is growing and will continue to grow. While the growth rate cannot be quantified with any certainty, it can be said that some alternatives support more recreation, and will enhance recreation opportunities better than others. Modified Alternative 3 Final ranks relatively high in this regard, while Alternative 1 ranks relatively low. Overall the impact of the changes in jobs and income associated with Modified Alternative 3 Final are relatively minor when compared to the total jobs and income for all of the economic impact areas.

This plan provides the flexibility necessary to contribute to an array of economic opportunities. The DPG will continue to provide the goods and services needed by our society, from which local businesses and communities can continue to prosper. While data indicates that the grasslands contribute relatively small portions to the total jobs and income in each economic impact area analyzed for the DPG, the Forest Service recognizes the importance of the grasslands to those that depend on them. We know and understand that some individuals who live on and near the national grasslands rely on them for all or part of their income. The Forest Service also recognizes that it has an interdependent relationship with some grassland users. The Forest Service needs and wants ranchers to graze their cattle on the grasslands in order to achieve the objectives of maintaining and improving the health of its ecosystems. The Forest Service wants to contribute to economically healthy ranching operations, and realizes the importance of these producers to nearby communities. The Forest Service will continue to work with ranchers to best meet their needs while achieving the objectives of this Revised Grasslands Plan. We will continue to be a good neighbor to ranchers and their communities by providing opportunities to diversify and strengthen their operations where such opportunities are compatible with management direction contained in the Revised Grasslands Plan and this ROD.

Counties were concerned that the plan will limit oil and gas development in areas where they have 6.25% royalty interests on the production of oil and gas. The majority of the grassland, however, is available for the development of oil and gas resources. We have identified that we can and will trade royalty interests or mineral ownerships (equal value for equal value) to accommodate this concern. Such interests could be traded from areas that will not be developed to areas that can be developed.

Protecting special areas and unique resources

The national grasslands offer many scenic landscapes, and historic and cultural properties. There are areas of significant geologic and paleontologic resources. People can find special plant and wildlife habitats in the national grasslands. Also, roadless areas that provide opportunities for people to enjoy solitude in the outdoors are available to the public. These treasured lands are there for residents of these states as well as for all Americans. My decision will protect and maintain the undeveloped characteristics and unique resources of these areas.

I chose Modified Alternative 3 Final because it gives special consideration to scenic landscapes, historic and cultural properties, geologically and paleontologically significant areas, roadless areas that provide opportunities for solitude, and special plant and wildlife habitats. I recognize that some of these roadless areas and other special areas contain existing oil and gas leases, some of which may be developed under existing lease stipulations. In the event the existing leases are not developed and new leases are sold in these areas, the lease stipulations included in my decision will provide necessary protection to implement management direction noted in the Revised Grasslands Plan.

The Revised Grasslands Plan identifies four areas as "suitable for wilderness" (41,520 acres). These areas were not recommended for wilderness at this time. The wilderness character of these areas, however, will be protected (MA 1.2A) to keep future options available. In addition, 69,050 acres of backcountry non-motorized recreation areas (MA 1.31) have been identified. Both of these management areas provide a non-motorized setting that currently does not exist on the national grasslands. Together, these areas comprise almost 9% percent of the DPG.

In addition, my decision identifies seventeen special interest areas, eleven research natural areas, and 2,270 acres of special plant and wildlife habitat. Special interest areas provide educational and interpretive opportunities where the public will be able to learn about unique features, nature and history. Research Natural Areas will provide a living laboratory for monitoring the impacts of our management.

I am not recommending Wild And Scenic River status for either the Sheyenne River or the Little Missouri River because of the intermittent and small percentage of federal ownership along their banks (FEIS 3-391). However, the standards and guidelines noted in MA 4.22 will provide similar management as the state of North Dakota's scenic river strategy used along the Little Missouri River.

Diversifying recreation opportunities

Currently, nearly the entire DPG is managed as a motorized setting. Motorized use restrictions exist only on the Maah-Daah-Hey and North Country Trails. The configuration of these areas (long and narrow) does not afford the opportunity to find solitude or relatively undeveloped natural settings. Opportunities to provide such settings are continually shrinking as development encroaches on such areas. All existing roads and trails (except those noted above) are open for motorized use. There are few areas available where one can be assured of finding undeveloped areas away from mechanized use.

The demand for all kinds of recreational uses on public lands is increasing significantly. In North Dakota tourism is the state's second largest industry. In both North Dakota and South Dakota, the grasslands will continue to be used by people looking for a variety of recreational experiences and settings, including nature-based educational opportunities. Through multiple use management, the grasslands can contribute to the growing tourism industry by providing a broad spectrum of recreational experiences and settings that include those unique experiences that are scarce throughout the remainder of these states and nation. Modified Alternative 3 Final provides for vegetation management that will enhance habitat for huntable and watchable populations of wildlife, and will provide for more diverse and desirable recreational settings. Public comments identified a demand for relatively natural appearing landscapes where one can find solitude. This demand is not currently being met. The selected alternative maintains the current recreation setting over the vast majority of the DPG. In addition, it adds a nonmotorized setting to roughly 10% of the DPG (subject to the exemptions noted under the OHV decision). In the Revised Grasslands Plan 140,000 acres will be managed in this non-motorized setting, while 90% of the DPG will continue to be managed in a motorized recreational setting where vehicles may travel on existing roads and trails. This increase in the diversity of recreational settings will provide an important new component of recreation in North Dakota. Providing diverse recreational settings and experiences on public land in both North Dakota and South Dakota will contribute to more opportunities for economic development.

Also, this alternative provides more interpretive and educational opportunities associated with the special interest areas (MA2.1). More recreation facilities are planned under this alternative as well.

THE PUBLIC'S PLAN

How public involvement shaped the final decision

Before looking at the six fundamental decisions made in the revision, I would like to highlight the contribution the public made to this Revised Grassland Plan. The plan was developed through discussions with the people who make a living from grassland resources as well as those who value the national grasslands for their aesthetic qualities. Sometimes there was considerable common ground among groups, sometimes there wasn't. Forest Service involvement in several collaborative processes and review of the many comments received provided me with a good understanding of the issues surrounding grassland management.

A Forest Service planning team, along with the three Grassland and Forest Supervisors and 10 District Rangers, conducted an extensive public involvement process throughout the development of the Revised Grasslands Plan. Many meetings were held throughout North Dakota and South Dakota. More than 74,000 letters and postcards were received from agencies, local governments, organizations, tribes, and individuals during the draft and final comment periods. The planning team read each of those letters and developed responses to the comments. I can attest to how the comments resulted in changes to the final documents and the ROD. The impact of the public comments was significant. I suggest readers see Appendix A of the FEIS and the addendum published with this ROD for more information on public involvement and responses to comments.

Following is a brief history of the public comment process. The revision topics and preliminary alternatives were presented at a series of public meetings from February through April of 1996. Discussions were lively, opinions diverse. Publication of the Draft Environmental Impact Statement and proposed Revised Grasslands Plan on July 16, 1999, was followed by a 90-day public comment period that was scheduled to end October 13, 1999. To respond to public requests, the comment period was extended three times until February 3, 2000.

In addition to public input, the plan's development was aided by discussions with other federal agencies such as the Bureau of Land Management, U.S. Fish and Wildlife Service, National Park Service, and Natural Resources Conservation Service. Meetings with various state agencies, including the North Dakota Department of Agriculture, Oil and Gas Commission and Departments of Health, Water, and Game and Fish, also were held. In addition, local meetings with Indian tribes and county governments further rounded out the discussion about how the plan should be developed.

Another series of meetings was held following publication of the Draft Environmental Impact Statement (DEIS) in July 1999. These meetings were held to clarify information presented in the DEIS and to answer questions from the public. More meetings were held with local governments and groups representing environmental issues, motorized and non-motorized recreationists, grazing associations, the oil and gas industry, and others throughout the plan revision process.

During the comment period between draft and final, then North Dakota Governor Ed Schafer requested cooperating agency status from Chief Dombeck of the Forest Service. Because this request occurred so late in the planning process, it was denied. However, the spirit of the request was honored and the Forest Service entered into consultation with members of the governor's staff.

As a result, 10 meetings were held with representatives of the state of North Dakota between February 2000 and November 2000. Major topics discussed included oil and gas, access, grazing, and wildlife issues. These topics generated discussions about proposed wilderness, roadless areas, special interest areas, research natural areas, bighorn sheep areas, black-footed ferret areas, Native American traditional use areas, and prairie dog, grouse, and raptor management issues. Only state and federal employees were involved in the actual consultation meetings.

In July of 2001, following the extended public comment period on the DEIS and consultation with the state of North Dakota, the proposed plan and FEIS were released for public review. The FEIS was subject to a rare, if not unprecedented, six-month public review and comment period that formally ended on January 22, 2002.

More state of North Dakota sponsored meetings were held throughout 2001 with the Forest Service and different grassland interests to better inform and involve them about the plan and the analysis, providing them an opportunity to more accurately represent their concerns.

This process did clarify some issues and resulted in progress on many of them.

The Forest Service was also involved as an observer in the Grassland Stewardship Initiative for more than a year. The North Dakota Consensus Council facilitated this group's meetings and the Forest Service provided information as requested.. This was a diverse group with interest in helping resolve many of the conflicts over grasslands management through collaboration. This group began meeting in December 1999 and continued into 2002. The group reviewed the Final EIS and proposed plan and submitted comments to the Forest Service.

PLAN DECISIONS

A quick look at the core of the plan

There are six fundamental decisions made in the Plan Revision:

1. Establishment of grassland-wide multiple-use goals and objectives. (36 CFR 219.11(b)).
2. Establishment of grassland-wide and geographic area standards and guidelines to help better manage the land. (36 CFR 219.13 to 219.27).
3. Establishment of management area direction or techniques to better meet the standards and goals for 17 management areas (MAs). (36 CFR 219.11 (c)).
4. Designation of lands suitable for grazing and browsing. (36 CFR 219.20).
5. Evaluation and consideration of inventoried roadless areas for recommendation as potential wilderness areas. (36 CFR 219.17).
6. Develop monitoring and evaluating methods to determine when the plan's goals and standards are being met. (36 CFR 219.11(d)).

In addition, I am making the "Administratively Available" decision (decision 7) under 36 CFR 228.102 (d) about oil and gas resources. This decision will determine whether lands in the project area are "administratively available" or "not available" for leasing. The Revised Grasslands Plan identifies 946,280 mineral acres administratively available for leasing on the Little Missouri and Cedar River National Grasslands. The "Leasing decision for specific lands" decision required under 36 CFR 228.102(e) will be deferred to a later date under a separate ROD.

With management responsibility and authority for the federal mineral estate, the Bureau of Land Management (BLM) also plays a role in management of oil and gas resources underlying National Forest System (NFS) lands. The BLM is a cooperating agency in this analysis in accordance with the 1991 Interagency Agreement for Oil and Gas Leasing between the Forest Service and BLM. The Revised Grasslands Plan's oil and gas analysis addresses all federal minerals including those under non-federal surface (split estate) lands within the boundaries of the NFS units to which this analysis applies. Based on this oil and gas analysis, the Forest Service has determined the lands "administratively available" for leasing pursuant to 36 CFR 228.102(d) and has informed the BLM of this decision.

The Decision In Detail

I selected the Modified Alternative 3 Final from the other alternatives because it best balances the needs of the land with the economic needs of people dependent on the national grasslands and the desires of people living across the nation who value the lands for their aesthetic values. I am confident that this decision leaves management options available for future generations, while ensuring that the DPG continues to provide important economic contributions to local communities. My decision, developed with much help from the public, centers around the six decisions that follow.

Decision 1: Establishing goals and objectives for the grasslands

The goals and objectives presented in the revised land and resource management plan are tiered to the Forest Service Government Performance Act Strategic Plan: 2000 Revision. This strategic plan presents the goals and objectives and activities that reflect the Forest Service's commitment to a sustainable natural resource base for the American people. The Forest Service's mission, and strategic goals and objectives, are derived from the laws defining and regulating the agency's activities.

Goals are concise statements that describe future conditions that are expected to be achieved in the future. *Objectives* are concise time-specific statements of measurable, planned steps to be taken to accomplish a goal.
The following four goals were used as a basis for this plan:

Goal 1: Ensure sustainable ecosystems
Goal 2: Multiple benefits to people
Goal 3: Scientific and technical assistance
Goal 4: Effective public service

Decision 2: Establishing grassland-wide and geographic area standards and guidelines

Standards are actions that must be followed, or set required limits to activities, in order to achieve grassland goals and objectives. Site-specific deviations from standards must be analyzed and documented in management plan amendments.

Guidelines are advisable actions that should be followed to achieve grassland goals and objectives. Guidelines allow for some local line officer discretion given different site-specific conditions and circumstances, but they are also fairly definite expressions of management direction.

There are grassland-wide standards and guidelines, four geographic areas that contain standards and guidelines, and sixteen different management areas where direction and specific standards and guidelines apply.

I am confident that the package of standards and guidelines in Modified Alternative 3 Final provides needed protection for resources while allowing managers to exercise a wide range of professional judgment when implementing activities. It also ensures that resources are managed in a sustainable manner.

During plan implementation, the standards and guidelines will be monitored to ensure they are helping us meet the stated goals and desired conditions.

Decision 3: Establishing MA direction (prescriptions)

MA direction (prescriptions) defines the desired conditions and identifies treatments to achieve those conditions. I chose the unique mix of 17 management area prescriptions in Modified Alternative 3 Final to implement the Revised Grasslands Plan. This direction will guide future management activities within each specific management area. Chapter 3 of the Revised Grasslands Plan contains a complete overview of the prescriptions. The 17 management area prescriptions are displayed in the following table showing the differences among the alternatives considered.

Summary Comparing Alternatives

In the following table, acres are rounded to the nearest 10. Acres in parentheses are concurrent management area acres, meaning they overlap other management areas.

Table 1. Management Area (MA) surface acres by alternative

MA	Alt 1	Alt 2	DEIS Alt 3	FEIS Alt 3	Alt 4	Alt 5	Modified Alt 3 Final
1.2 Recommended for Wilderness	0	0	22,190	0	85,940	72,670	0
1.2a Suitable for Wilderness	0	0	0	41,520			41,520
1.31 Backcountry Recreation Nonmotorized	42,990	0	121,950	69,050	103,840	81,490	69,050
1.5 National River System: Wild Rivers Recommended	0	0	0	0	840	0	0
2.1 Special Interest Areas	0	1,770	6,390	6,420	5,930	4,640	6,420
2.2 Research Natural Areas	840	840	20,030 (380)	20,120 (380)	9,040 (14,150)	1,070 (830)	20,120 (380)
2.4 American Indian Traditional Use Areas	6,250	6,280	6,280	6,280	6,280	6,280	6,280
3.4 National River System: Scenic Rivers Recommended	0	0	0	0	17,260 (520)	18,280 (350)	0 0
3.51 Bighorn Sheep	27,940	118,490 (350)	67,210 (51,510)	19,320 (51,130)	74,670 (49,600)	68,710 (50,090)	19,320 (51,130)
3.51a Bighorn Sheep – Non-Federal Minerals	0	0	0	35,810	0	0	9,580
3.51b Bighorn Sheep – Non-Federal Minerals	0	0	0	0	0	0	26,230
3.63 Black-footed Ferret Reintroduction Habitat	0	0	0	29,180	16,220 (11,690)	0	29,180
3.64 Special Plant and Wildlife Habitat	2,730	1,010	1,010	2,270	1,010	16,400	2,270
3.65 Rangelands with Diverse, Natural- appearing Landscapes	0	0	329,300	383,120	295,350	0	383,120
3.66 Ecosystem Restoration: Tall-grass prairie	0	0	53,050	63,760	55,150	0	63,760
4.22 Scenic Area, Vistas or Travel Corridors	0	0	22,450	23,570	0	2,960	23,570
4.32 Dispersed Recreation: High use	0	0	9,550	7,990	1,710	13,880	7,990
4.4 National River System: Recreation Rivers Recommended	0	0	0	0	2,470 (60)	3,070	0
5.12 General Forest and Rangelands: Range Vegetation Emphasis	0	0	10,640	0	12,680	0	0
5.31a Experimental Forests (Denbigh)	800	800	800	800	800	800	800
5.31b Experimental Forests (Souris)	160	160	160	160	160	160	160
6.1 Rangeland with Broad Resource Emphasis	1,176,600	1,128,770	587,080	549,720	568,760	967,710	549,720

The following section briefly describes the key management area prescriptions for each area, and discusses the application of the prescriptions under Modified Alternative 3 Final. Valid existing rights will be honored in all management areas.

MA 1.2A – Suitable for Wilderness

My decision is to allocate four areas (Bullion Butte, Twin Buttes, Long X Divide, and Kinley Plateau), comprising 41,520 acres to this management area designation. These areas will be managed to allow uses and activities if they would not preclude wilderness designation. If consensus is not reached within the life of this plan, a wilderness recommendation will be reconsidered in the next plan revision. The Forest Service will honor valid existing rights even if it means that roads may be constructed in these areas. Land exchanges will be considered to resolve issues related to valid existing rights. Livestock grazing will continue. This designation will not interfere with livestock management activities, including the use of motorized vehicles to administer grazing allotments.

MA 1.31 – Backcountry Non-Motorized Recreation

My decision is to allocate 69,050 acres to this management prescription. One area is located on the Sheyenne National Grassland and the remaining areas are located on the Little Missouri National Grassland. This prescription allows for management of these areas to provide recreation opportunities in natural-appearing landscapes. Oil and gas leasing has a "No Surface Occupancy" (NSO) stipulation in these areas. I chose this option to protect the pristine character of these areas and to provide for a variety of non-motorized recreation opportunities. This stipulation will protect these areas through new and future leases, but where existing leases occur in these areas, the Forest Service will honor these leases and other valid existing rights. This may mean that roads will be constructed in these areas. This designation will not significantly interfere with livestock management activities.

MA 2.1 – Special Interest Areas (SIAs)

These areas comprise a total of 6,420 acres and are managed to protect unique paleontologic, cultural, historical or ecological resources. There are seventeen Special Interest Areas, four of which are located on the Grand River National Grassland and 13 on the Little Missouri National Grassland (refer to Chapter 3 of the Revised Grasslands Plan for a complete listing and descriptions).

These Special Interest Areas play a critical role in my decision. They represent important vestiges of past life, habitation, and the natural character of the area. Also, they ensure our consideration and protection of these special and diverse places on the DPG. Motorized travel will be allowed on existing roads, travelways and trails in most of these areas (DPG revised plan p. 3-10). All but the Bullion Creek Type Formation, the Cannonball/Slope Type Formation, and the Slope Type Formation will have surface use limitations for oil and gas leasing where no ground disturbing activities will be allowed. This designation will not significantly interfere with livestock management activities in those special interest areas where livestock grazing is permitted. There is no change in management in those special interest areas where grazing is not allowed.

MA 2.2 – Research Natural Areas (RNAs)

These are areas managed to protect or enhance natural ecosystems designated for non-manipulative research, education, and maintenance of biological diversity. With this decision I am allocating area for eight new Research Natural Areas, five of which will be located on the Little Missouri National Grassland and three on the Sheyenne National Grassland. They will become a part of the national system of RNAs. Currently there are two existing and five proposed RNAs on the Little Missouri National Grassland comprising about 19,075 acres. These areas will be available for lease, but ground-disturbing activities will be prohibited. Stipulations will provide the necessary protection through new and future leases, but where existing leases occur in these areas, the Forest Service will honor these leases and other valid existing rights even if it means that roads may be constructed in these areas. On the Sheyenne National Grassland roughly 1,045 acres are allocated to one existing and three proposed RNAs.

These RNAs are an important component of my decision. These areas represent a range of vegetation types and topographic features. These RNAs, combined with other RNAs in the Region and Northern Great Plains, ensure that research and education opportunities will be available across a wide range of ecosystems.

The management prescription, including objectives, standards, and guidelines for each of these areas, is described in Chapter 3 of the LRMP. The establishment record, along with the order to administratively implement this decision for these RNAs, will be completed within a year.

MA 2.4 – Identified American Indian Traditional Use Areas

This area is managed to protect sites associated with the traditional beliefs of federally recognized American Indian Tribes concerning their origins, spiritual beliefs, and cultural history. The Blue Buttes area consisting of 6,280 acres is located on the Little Missouri National Grassland. This area is important for maintaining the tribal and cultural identity of the American Indian community and for the protection of cultural resources.

MA 3.51 – Bighorn Sheep Habitat

These areas are managed to provide adequate amounts of quality forage, cover, escape terrain, and solitude for re-introduced bighorn sheep and other species. The integrity of lambing, breeding, and escape cover will be maintained. It is my decision to allocate 19,320 acres on the Little Missouri National Grassland to this prescription.

MA 3.51A – Bighorn Sheep with Non-Federal Mineral Ownership

This area is managed to provide adequate amounts of security for lambing, quality forage, cover, escape terrain, and solitude for bighorn sheep and other species. The area will also provide for the possible development of the federal mineral ownership if the non-federal minerals are developed and the federal minerals can be developed without significant impact to the sheep. Development of federal minerals will be consistent with controlled surface use and timing stipulations to protect the bighorn sheep. Sheep lambing areas within these sections may or may not be leased depending on the expected impact to sheep. This management area is comprised of 9,580 acres in Hank's Gully (reference attached map). While this area is available for lease, it is not currently authorized for lease.

MA 3.51B – Bighorn Sheep with Non-Federal Mineral Ownership

This area is managed to provide adequate amounts of quality forage, cover, escape terrain, and solitude for bighorn sheep and other species while providing for the development of the federal and non-federal mineral ownership. These areas will be leased with controlled surface use and timing stipulations intended to minimize impacts to sheep and protect this sheep habitat. These areas are located on 26,230 acres of the Little Missouri and include Icebox Canyon, Buckhorn Creek, Dry Creek, and Wannagan (reference attached map).

MA 3.63 – Black-footed Ferret Reintroduction Habitat

This area is managed to maintain prairie dog complexes and compatible land uses that are established and/or maintained for black-footed ferret reintroduction. The black-footed ferret is one of North America's most endangered species. The ferret is reliant on prairie dogs for food and shelter. In this management area, prairie dog populations are further enhanced by creating habitat conditions conducive to prairie dog expansion, through shooting restrictions, and possibly, by prairie dog relocations. My decision allocates Horse Creek on the Little Missouri National Grassland to this management area. This area was identified as necessary for black-footed ferret recovery, and was determined to be the most appropriate location, through joint field review by the Forest Service and U.S. Fish and Wildlife Service. Oil and gas development can occur with the identified stipulations.

MA 3.64 – Special Plant and Wildlife Habitat

These areas are managed to maintain and enhance specific plant and wildlife communities and species at risk. My decision is to manage this habitat to maintain or enhance special river bottom and tall-grass prairie communities on the Sheyenne, and a small, ungrazed mixed grass prairie community on the Cedar River National Grassland.

MA 3.65 – Rangelands with Diverse Natural-Appearing Landscape

These areas are topographically diverse and are managed with emphasis on maintaining a naturally appearing landscape while providing a mix of other rangeland values and uses. These areas may have fewer livestock grazing developments, such as fences and water tanks, or these developments may be placed in areas where they are less evident when viewed from key travel areas. These conditions result in a mosaic of livestock grazing patterns and diverse vegetation composition and structure. Livestock graze most areas annually, but some areas receive little or no grazing due to topography. Oil and gas development may occur, but care will be taken to make development visually subordinate to the landscape. I have allocated 383,120 acres to this prescription.

MA 3.66 – Ecosystem Restoration (Sheyenne Tall-grass prairie)

These areas are managed to restore and maintain native tall grass species and plant communities on the Sheyenne National Grasslands. This is particularly important in this ecosystem because of the variety of tall-grass prairie. These communities will have a

high degree of native biodiversity. Sensitive plants and animal populations are maintained or restored. Habitat for the greater prairie chicken, sharp-tailed grouse, and the federally listed western prairie fringed orchid is provided. A priority for restoration in this management area will be the treatment and control of areas infested with noxious weeds such as leafy spurge. My decision prescribes 63,760 acres to this allocation.

MA 4.22 – River and Travel Corridors

These areas are managed to protect or preserve the scenic values and recreation uses along the Little Missouri River Corridor and Grand River Scenic Travel Route. The Little Missouri River Corridor is defined as national grasslands contained within a ¼ mile zone on each side of the river. Management in this area perpetuates existing state scenic river management objectives along the Little Missouri River. Oil and gas leasing is allowed, but ground disturbing activities are prohibited. The Grand River Scenic Travel Route is an eleven-mile driving route through a central portion of the Grand River National Grassland. It will be managed for high scenic integrity.

MA 4.32 – Dispersed Recreation: High Use

These areas are managed for visitors to recreate in a relatively natural environment, while pursuing a variety of recreational activities, such as camping, picnicking and fishing. Areas allocated to this management prescription are predominantly found around Medora where recreational use is already concentrated. This management is very compatible with the existing and future expected recreational use around Medora and the more traditional uses of this area.

MA 5.31 (A and B) – Experimental Forests

These areas are managed to conduct experiments, tests, and other activities to obtain scientific information about managing and using forest and rangeland resources. Denbigh is a research site for developing genetically improved trees for tree planting in the Northern Great Plains. The forest also provides conifer seed to the North Dakota Forest Service nursery at Towner, North Dakota. Souris is an area where established pine and juniper provenance studies will continue. Timber harvest may be used to meet the objectives of approved research projects and for facility maintenance. Recreational use is compatible with research plans and National Register status on both sites. In addition, opportunities exist for natural resource conservation education.

MA 6.1 – Rangeland with Broad Resource Emphasis

This area is managed for diversity of native plants and animals and ecological functions and processes while providing livestock forage and a mix of other rangeland values and uses. My decision prescribes 549,720 acres to this category. Uses such as grazing and oil and gas development with identified stipulations will continue. A major portion of the acreage on the Little Missouri, Grand River and Cedar River national grasslands is in this prescription.

Decision 4: Designating lands suitable for grazing and browsing

Livestock grazing will continue as a very significant and desired use of the DPG. Part of this decision authorizes the continuation of grazing on the DPG through the Forest Service permitting processes. Modified Alternative 3 Final designates 1,112,970 acres as suitable rangelands. This designation of suitable acres is nearly the same as for Alternative 1. How these acres are grazed may change to help provide for diverse grassland conditions that will sustain livestock grazing while ensuring the viability of wildlife and plant species and allowing for a variety of recreational opportunities. Actual grazing levels will be determined at the allotment management planning level with appropriate NEPA analysis, including public involvement. We will emphasize proper management of grazing allotments to meet desired conditions of the Revised Grasslands Plan.

Decision 5: Evaluating and considering inventoried roadless areas to be recommended as potential wilderness areas

As a part of the Northern Great Plains EIS process, an inventory of areas essentially roadless in character was completed for each planning unit, including the DPG. The 280,000-acre inventory consists of 265,180 inventoried roadless acres identified by the Forest Service and about 14,000 acres identified by the public and determined to meet roadless criteria. About 11,000 acres of the publicly proposed roadless areas were determined not to meet the roadless criteria as part of the Roadless Rule process. See FEIS 3-361 and 3-362 and Appendix C.

The roadless inventory is included in Chapter 3 and in Appendix C of the Final EIS. Roadless areas were allocated to various management areas by alternatives. Roadless areas were considered for all management areas, from lands with wilderness

characteristics to lands with broad resource emphasis. See FEIS 3-369. In selecting Modified Alternative 3 Final, we will manage approximately 140,000 acres of inventoried roadless lands to retain their roadless character by prohibiting future road construction (with exceptions for outstanding rights, etc.). The remaining inventoried roadless areas will be managed in such a way that they would be available for potential road construction subject to subsequent project analysis and decision. However, if the Roadless Rule injunction is lifted, and/or the agency implements a roadless rule that alters the management direction of this plan revision, then the grassland's roadless areas will be managed and directed by the Roadless Rule.

From the inventoried roadless areas, I have decided to allocate four areas as suitable for wilderness. These areas are suitable for wilderness due to their undeveloped condition, their size, and the lack of mineral development, large in-holdings, and large outstanding mineral ownership. However, I am not recommending wilderness designation due to the lack of consensus for support of wilderness in North Dakota at this time. The wilderness character will continue to be protected to allow time for a wilderness dialogue to occur. If consensus is not reached within the life of this plan, a wilderness recommendation will be reconsidered in the next plan revision.

On the Sheyenne National Grasslands wilderness was not recommended at this time because it was thought that wilderness designation might inhibit efforts to restore the health of this ecosystem. During the life of this plan restoration work will occur. If restoration progress is sufficient, wilderness will be reconsidered.

Some areas such as Bell Lake, Easy Hill, Blacktail, Strom-Hanson, Scairt Woman, and portions of Magpie, Bullion Butte, John Town/Horse Creek, Wannagan, and Twin Buttes were assigned to management areas where development could occur because of the existence of private in-holdings, outstanding minerals, or existing or anticipated mineral development.

I am not recommending Congress designate any wild and scenic rivers on the national grasslands. This is predominantly due to the small, scattered parcels of National Forest System lands along the Sheyenne and Little Missouri Rivers.

Decision 6: Develop monitoring and evaluation methods

Adequate monitoring will be a cornerstone of our management, and has been incorporated into all alternatives. Monitoring will allow us to respond to on-the-ground changes, as well as verify whether or not the assumptions used in our analysis were valid. Monitoring questions were developed through an interdisciplinary approach, and are listed in Chapter 4 of the Revised Grasslands Plan. In order to ensure that monitoring efforts are effective and efficient, we will develop a Monitoring Handbook. This handbook will specify the methodologies that will be used to address Chapter 4 questions, and will be developed with input from other agencies, universities, and cooperators. We will publish monitoring results in Annual Monitoring Reports. These reports will provide the public an important opportunity to assess our progress towards meeting the revised grasslands plan's goals and objectives.

In the development of the Revised Grasslands Plan, the monitoring focus is on broad requirements using qualitative assessments to determine how well we are achieving the plan's goals and objectives. This approach satisfies the regulatory provisions and meets stated goals. Because the requirements are flexible and adaptable, they allow new knowledge and techniques to be easily incorporated into the monitoring plan.

The monitoring and evaluation chapter in the Revised Grasslands Plan identifies the monitoring activities; the action, effect, or resource to be measured; the monitoring schedule; and the level of precision or reliability.

Decision 7: What lands will be available for oil & gas leasing and development

This decision determines which lands will be available for leasing in accordance with 36 CFR 228.102(c) and (d). For Modified Alternative 3 Final, roughly 946,280 acres of federal mineral estate of the Little Missouri and Cedar River National Grasslands are determined to be administratively available. This makes about 95% of the mineral estate available for leasing. This compares to a little more than 97% of the area being available for lease under Alternative 1. For the lands determined to be available, my staff identified what stipulations are necessary and justified (see Appendix D), what lands will require the use of the stipulations (Modified Alternative 3 Final stipulation maps, project file), and what lands can be leased with standard lease terms. We have

identified 207,660 acres of the federal mineral estate to be available for leasing with "no surface occupancy" stipulations. This means that 74% of the federal mineral estate on the Little Missouri and Cedar River is available for leasing and "surface occupancy." This compares to about 76% under Alternative 1. For more information on lease terms and resource protection stipulations, see Chapter 3 (p 3-101 to 3-155) of the FEIS.

Four areas (46,590 acres) will be administratively unavailable for leasing. The areas that are administratively unavailable are included within MA 1.2A (Long X, Twin Buttes, Bullion Butte, Kinley Plateau) and MA 2.4 (Blue Buttes). Only Long X and Twin Buttes (24,940 acres) are administratively unavailable under Alternative 1.

I made a high percentage of the Little Missouri and Cedar River available for oil and gas leasing because of the importance of these resources to the economy of western North Dakota and to the energy stability of the United States. The majority of the lands available for lease will be accessible for development with identified stipulations. Past experience has shown that properly designed operations, which are properly maintained through their productive life, can be reclaimed to a near natural state.
Great strides have been made over the last 15 years to reduce the visual impact of oil and gas development on the national grasslands.

Alternatives Considered

Different approaches to grassland management

The strength of this planning process has its roots in the alternatives considered. The alternatives were built around issues - the revision topics - raised by the public. All alternatives share a set of basic goals and objectives, and standards and guidelines. Each alternative represents a different management plan with different goals for the grasslands. While all alternatives provide a wide range of multiple uses, some alternatives give more emphasis to particular uses. The alternatives offer a way to review different management options, identify opportunities, and evaluate trade-offs. The reader is encouraged to review both Chapters 2 and 3 of the Final Environmental Impact Statement for the full scope of the alternatives and their effects.

Alternative 1 (no action) and Existing Condition

The no action alternative is required by regulation. In this alternative the management direction and emphasis provided for in the current management plan would continue. Since the current plan was developed, management area titles and numbering systems have changed. Management area titles and numbers have been changed for this alternative to make it easier to compare with other alternatives.

This alternative does not recommend any wilderness, wild and scenic river designation, special interest areas, new research natural areas, non-motorized backcountry areas, nor does it provide a wide range of recreation opportunities. Viability of several plant and animal species, including smooth goosefoot, handsome sedge, and showy lady's slipper, would be threatened. This alternative does not include a black-footed ferret reintroduction area. Without this additional site, the probability of the national recovery objectives being met is significantly reduced. This alternative had the most acres allocated to a broad resource emphasis (1,176,600 acres) and the least acres to special management designations.

Alternative 1 and the existing condition are the same except that they use different projected livestock use levels. Grazing in Alternative 1 projects what the anticipated grazing level would be had the current management plan direction been completely implemented. Grazing for the existing condition alternative uses the 20-year average authorized use to reflect the current levels of grazing uses.

The oil and gas stipulations incorporated within Alternative 1 are those of the existing Custer National Forest Plan and Northern and Southern Little Missouri and Cedar River leasing decisions. These stipulations have been updated to include the most recent wildlife surveys and to reflect more recent mapping efforts.

Alternative 2

This multiple-use alternative would emphasize production of commodities, such as livestock grazing and oil and gas development. Similar to Alternative 1, Alternative 2 would result in viability concerns for numerous species. This alternative does not include a black-footed ferret reintroduction area. Without this additional site, the probability of the national recovery objective being met is significantly reduced. Recreation opportunities and special area

designations would be provided where they would not foreclose commodity production. As a way of comparison, there is little difference between Alternative 1, the existing condition alternative, and Alternative 2 because the current management plan (the Custer Plan) provides for great emphasis on commodity production. Alternatives 2, 3 DEIS, 3 FEIS, 4 and 5 contain a consistent set of oil and gas stipulations. Stipulations assigned to management area allocations vary by alternative.

For the DPG, this alternative has the most acres of MA 6.1 Rangeland with Broad Resource Emphasis (1,128,770 acres). It has no recommended wilderness, wild and scenic rivers, or bighorn sheep habitat management areas. Prairie dogs are controlled at current levels while noxious weeds increase slightly. For oil and gas development, stipulations changed somewhat from Alternative 1 to include consideration of new information on resources and response to comments.

Alternative 3 (Draft)

Alternative 3 in the Draft Environmental Impact Statement is the same as Alternative 3 Draft in the final FEIS except that the oil and gas stipulations are different. See map of Alternative 3 for a description of management area allocations and acres contained within each area.

This alternative would change the current management plan direction by adopting more special area designations, such as Research Natural Areas, Special Interest Areas, Recommended Wilderness and Backcountry Non-Motorized areas, while placing added emphasis on native plants and animals, and recreation opportunities. Alternative 3 Draft has provisions to ensure that viable populations of most plant and animal species would be maintained. An important exception would be black-footed ferrets. This alternative does not include a black-footed ferret reintroduction area. Without this additional site, the probability of the national recovery objective being met is significantly reduced. Under this alternative, prairie dog colonies would expand and noxious weeds would most likely remain at their current level.

This alternative would provide the second most amount (6,390 ac.) of MA 2.1 Special Interest Areas acres, and the most acres of MA 3.51 Bighorn Sheep Habitat (67,210 ac), and Backcountry non-motorized recreation MA 1.31 (121,950 acres). It included Recommended Wilderness, MA 1.2 (22,190 acres). It also provides a diverse set of recreational settings that includes management for non-motorized (164,170 acres) and motorized uses (1,093,930 acres). For oil and gas development, Alternative 3 Draft has fewer areas available for surface occupancy than the previous alternatives and includes additional stipulations to protect wildlife habitat. These additions reflect the best scientific information available at this time regarding the habitat needs of specific species.

Alternative 3 Final

This multiple-use alternative would modify current Management Plan direction by adopting the most Research Natural Areas (20,120 acres), Special Interest Areas (6,420 acres), and areas Suitable for Wilderness (41,520 acres). It provides a diverse set of recreational settings that includes management for non-motorized (130,690 acres) and motorized uses (1,128,420 acres). It would also place added emphasis on native plants and animals, and recreation opportunities. A black-footed ferret reintroduction site is included in this alternative (29,180 acres). Alternative 3 Final has provisions to ensure that viable populations of all plant and animal species would be maintained. The alternative meets the goals for black-footed ferret and western prairie fringed orchid recovery. Prairie dog colonies would expand to the same extent as they would in Alternative 4. There would be more management of noxious weeds to attempt to reduce populations, or to maintain them at current levels.

Changes to Alternative 3 Final from the Draft EIS include the following: changes in goals, objectives, standards and guidelines, monitoring requirements, proposed management area allocations, geographic area direction, and oil and gas stipulations. This alternative also includes “bison-friendly” grazing policies. Alternative 3 Final provides the same oil and gas stipulations as Alternative 2 except that the acreage of certain oil and gas stipulations related to management areas varies.

Modified Alternative 3 Final

This alternative is the same as Alternative 3 Final in many respects.

Some areas that “may” have been available for oil and gas leasing now “will” be available for oil and gas leasing with controlled surface use and timing limitations needed to protect bighorn sheep. This change acknowledges the existence of private minerals and current development, regardless how the Forest Service manages the grassland surface resources. This change occurs on roughly 19,440 mineral acres (reference the newly created 3.51B MA

and the analysis of the effects of this change on bighorn sheep). This change is also responsive to concerns regarding impacts to the oil and gas industry. This change results in one more well that could be drilled under the Forest Service reasonably foreseeable development (RFD) scenario. This change does not appreciably alter the Forest Service's RFD. The RFD and the environmental analysis associated with Alternative 3 Final, is still valid for Modified Alternative 3 Final. This change, however, dramatically alters the result of the state of North Dakota's RFD, reducing the differences between the respective RFDs. In addition, the biological determination for bighorn sheep remains the same for this alternative as it was for Alternative 3 Final (reference biological determination, May 20, 2002).

Also, the alternative has been modified to allow the Forest Service to conduct limited use of rodenticides where unwanted prairie dogs are encroaching on private land when the action is in compliance with a statewide conservation plan. Decisions to use rodenticides will be made on a case-by-case, site-specific basis and will consider the extent and location of rodenticide use. Consideration can and will be given to all alternatives that benefit the conservation and growth of prairie dog colonies on the grasslands. Site-specific environmental analysis and coordination with the U.S. Fish and Wildlife Service will be required before the use of rodenticide on national grasslands. In the case of unwanted colonization on private lands, this direction would be implemented only if the Forest Service's nationwide moratorium on black-tailed prairie dog poisoning were lifted.

This alternative also provides for a "phased" or "interim" decision on grazing which is intended to provide assurances to ranchers and local communities regarding the projected effects of this plan and the science used in its development. I have committed that no AMP revisions will be approved before our development and the review of 64 sample AMPs by a review team of experts. However, site-specific NEPA decisions and revised AMPs may occur, if requested by a Dakota Prairie Grasslands grazing permittee. The "phased" decision is intended to reduce concerns, build confidence, and promote better understanding of this plan.

Because the AMP revision process will continue over the two-year "test drive" period, it is not anticipated that the "phased" decision will add appreciable delay to the AMP revision schedule unless significant re-work of the grazing portion of the decision is needed.

This alternative has provisions to ensure that viable populations of all plant and animal species, including prairie dogs and bighorn sheep, would be maintained. This alternative includes a black-footed ferret reintroduction area. By including this area, Modified Alternative 3 Final contributes positively to the national recovery program.

Alternative 4

This multiple-use alternative would feature natural processes and aggressive restoration of impaired native ecosystems. It would demonstrate the role that national grasslands have in sustaining rare animal and plant communities on the Northern Great Plains. This alternative includes a black-footed ferret reintroduction area. With this area, the alternative makes a significant contribution to the national recovery program. Even though Alternative 4 would benefit many plant and animal species, it lacks some of the provisions found in Alternative 3 Final and Modified Alternative 3 Final. Viability issues would still remain for several plants, but the number of species of concern would be considerably less than Alternatives 1 or 2. This alternative places less emphasis on commodity production than the other alternatives.

This alternative would allow for "bison-only" grazing on a minimum of 5% of the lands administered by the DPG. Under this alternative, bison would be treated as a type of livestock, not as free-roaming wildlife herds. Permittee requests to graze bison would be fully considered as well as the opportunity to convert to "bison-only" grazing on vacant or newly acquired allotments determined to be desirable and suitable for bison grazing.

This alternative has the largest acreages of MA 1.2 Recommended Wilderness (85,940 acres) and MA 1.31 Backcountry nonmotorized (103,840 acres). It provides the second most acres (20,570 acres) of Wild and Scenic River recommendations (MAs 1.5, 3.4 and 4.4) and Black-footed Ferret Reintroduction Habitat (27,910 acres which includes overlapping management areas). It provides the largest area to be managed for non-motorized recreation settings (199,660 acres). Prairie dogs colonies would expand to their greatest extent while noxious weeds would have the least potential to spread. Alternative 4 provides the same oil and gas stipulations as Alternative 2 except the acreage to which some of the stipulations apply is increased.

Alternative 5

This multiple-use alternative would emphasize recreation opportunities and non-commodity services, while providing commodity outputs that would complement recreation objectives. Alternatives 5 and 4 would have similar viability concerns. This alternative does not include a black-footed ferret reintroduction area. Without this additional site, the probability of the national recovery objective being met is significantly reduced. This alternative has 967,710 acres of MA 6.1 Rangeland with Broad Resource Emphasis. There are 967,930 acres available for oil and gas leasing and 729,970 acres available for surface occupancy. This alternative generates the second lowest number of jobs and income in the livestock grazing and oil and gas industries.

This alternative would provide the most acres recommended for inclusion in the National Wild and Scenic River System (MA's 1.5, 3.4 and 4.4). The alternative would also provide the most acres in MA 4.32 Dispersed Recreation High Use Areas (13,880 acres), and MA 3.64, Special Plant and Wildlife Habitat, (16,400 acres). This alternative provides a relatively high number of acres that will be managed in a non-motorized recreation setting (155,230 acres). Prairie dogs colonies would expand, but less than in Alternatives 3 or 4. There would be more management of noxious weeds to attempt to reduce spread. Alternative 5 provides the same oil and gas stipulations as Alternative 2, except the acreage to which some of the stipulations apply varies.

Comparing alternatives through revision topics

A look at the different options

The following section discusses how the alternatives respond to each of the seven revision topics. Each revision topic is discussed separately.

How the alternatives respond to the revision topics

Community and lifestyle relationships

Table 2. Community and lifestyle relationships compared by alternative

Revision topic/key indicators	Existing condition	Alt 1	Alt 2	DEIS Alt 3	FEIS Alt 3	Alt 4	Alt 5	Modified Alt 3 Final
Community/Lifestyle Relationships								
Range-fed livestock grazing on NFS & Intermingled lands (Change from existing condition)	-	5%	5%	-13%	-9%	-34%	-24%	-9%
Number of direct and indirect jobs	1132	1190	1191	983	1033	747	865	1,033
Direct and indirect income (Millions of 1997 $)	$14.2	$15.0	$15.0	$12.5	$13.0	$9.4	$10.9	13.0
Oil/gas activities on NFS lands (Change From existing condition)	0%	0%	0%	-3%	-3%	-7%	-3%	-3%
Direct and indirect jobs (number)	1,081	1,081	1,081	1,045	1,045	1,009	1,045	1045
Direct and indirect income (millions of 1997 $)	32.9	32.9	32.9	31.8	31.8	30.7	31.8	31.8
Payments to state and county (millions of 1997 $)	3.7	3.7	3.7	3.5	3.5	3.4	3.6	3.5
Effects on major use/interest segments	See Social Effects section in FEIS Chapter 3							

Existing condition, and Alternative 1 – no action

The emphasis is on traditional commodity uses, primarily livestock grazing and oil and gas production. Very little recognition is given to other resources and uses. The existing condition (Alternative 1 – no action) provides the second highest number of jobs and income from livestock grazing and oil and gas development to local communities. The existing condition contributes slightly fewer jobs and less income from livestock grazing than Alternative 1 because the existing condition factors in the natural variation in grazing levels that results due to changes in climate and other factors. This reduction does not reflect a change in management between the alternatives. The oil and gas components of these alternatives are the same. Receipts to the state and counties do not change. This alternative does not enhance recreational opportunities or support growth in recreation as much as Alternatives 5, 3 Draft,

or 3 Final. This alternative will support a continuation of the current economies into the future. Data indicates that these economies are not well diversified and have been declining over the long term.

Alternative 2

The emphasis is toward traditional commodity uses, primarily livestock grazing and oil and gas production. This alternative provides the highest level of livestock grazing and oil and gas production. This alternative varies minimally from Alternative 1. Very little recognition is given to other interests and uses. Alternative 2 contributes the highest number of jobs and income to local communities from livestock grazing and oil and gas. Because management under the current plan is also oriented strongly to livestock grazing and oil and gas production, differences between Alternatives 1 and 2 are relatively small. Receipts to the state and counties do not change. This alternative does not enhance recreational opportunities as much as Alternatives 5, 3 Draft, or 3 Final. Consequently, it has similar limitations to growth in recreation and diversification of local economies as the previous alternative.

Alternative 3 Draft

This alternative provides less emphasis on traditional commodity uses, such as livestock grazing and oil and gas development, than the previous alternatives. More recognition and emphasis is given to other uses such as research and recreation. It provides diverse habitats, and promotes the care and interpretation of the grassland's paleontologic, historical and biological resources. This alternative provides fewer jobs and income from livestock grazing and oil and gas than the previous alternatives, but it provides more jobs and income than Alternatives 4 or 5. The changes in jobs and income are relatively minor when compared to the total jobs and income in each economic impact area. In addition, more intensive livestock grazing regimes could moderate the adverse impacts to livestock grazing operations noted in the table above. Intensity of management is partly a choice of the operator. Adverse impacts associated with oil and gas activities could be moderated by drilling on existing leases, but drilling activities are driven by market prices and occur at the discretion of the lessee. This alternative results in 5% less oil and gas receipts to the state and counties. Drilling on existing leases could moderate this as well. This alternative moderately enhances recreational opportunities. This alternative will support more diversification of the economies than the previous alternatives.

Alternative 3 Final

This alternative provides less emphasis on traditional commodity uses, such as livestock grazing and oil and gas development, than Alternatives 1or 2, or existing, but more than Alternatives 3 Draft, 4, or 5. More recognition and emphasis is given to other uses such as research and recreation. The alternative provides diverse habitat, and promotes the care and interpretation of the grassland's paleontological, historical and biological resources. This alternative provides fewer jobs and income from livestock grazing and oil and gas production than Alternatives 1 or 2, or existing, but it provides more jobs and income from grazing operations than Alternatives 3 Draft, 4 or 5. Again the changes in jobs and income are relatively minor when compared to the total jobs and income in each economic impact area. In addition, the adverse impacts to livestock grazing noted in the table above can likely be further moderated by more intensive livestock grazing management, but the intensity of management, again, is partly a choice of the operator. Adverse impacts associated with oil and gas could also be further moderated by drilling that may occur on existing leases, but drilling activities are driven by market prices and occur at the discretion of the lessee. This alternative results in 5% less oil and gas receipts to the state and counties. Drilling on existing leases could moderate this as well. This alternative moderately enhances recreational opportunities and growth in tourism. The alternative will result in similar diversification as identified in the previous alternative.

Modified Alternative 3 Final

This alternative slightly modifies Alternative 3 Final and makes a relatively small area (19,440 mineral acres) available for oil and gas leasing under CSU stipulations. Modified Alternative 3 Final changes the management area for this acreage from 3.51A to 3.51B. This change will increase the likelihood of development in the 3.51B areas. The Forest Service RFD for Modified Alternative 3 Final adds 1 well that was previously calculated to be eliminated. On an annual average basis, this modification does not change the number of wells or the amount of production used to analyze the economic impacts of Alternative 3 Final. The effects on the final management plan, employment, and income, returns to the U.S. Treasury and to state, county, and local governments would be identical to those displayed for Alternative 3 Final in the Final Environmental Impact Statement. This alternative moderately enhances recreational opportunities and growth in tourism. The alternative will result in similar diversification as identified in the previous alternative.

Alternative 4

This alternative emphasizes allowing natural processes to function and restoration of impaired native

ecosystems. Recognition would be given to preserving roadless characteristics, identifying Research Natural Areas, and recommending wilderness. More focus on maintaining and restoring biological diversity would occur. This alternative includes the black-footed ferret reintroduction area. With this area, the alternative represents a significant contribution to the national recovery program. Natural processes are featured and are inhibited less than with Alternatives 1 or 2. Many of the features of this alternative directly conflict with the traditional uses of these areas. Traditional commodity uses such as livestock grazing and oil and gas development would still be prevalent but at lower levels than occur in Alternatives 1 or 2. Of all the alternatives, this alternative has the greatest negative impact on livestock grazing and oil and gas employment and income. This alternative provides fewer recreational improvements and opportunities than alternative 3 draft, final, and modified alternative 3 final; consequently, this alternative will support slightly less economic diversification than the 3 previous alternatives.

Alternative 5

For this alternative, emphasis is on management for expanded recreation opportunities and non-commodity services. Traditional commodity uses such as livestock grazing and oil and gas production would still be prevalent but they would be limited unless complementary or non-impairing to the recreational objectives of the alternative. This alternative focuses on special designation areas such as wilderness, wild and scenic rivers, and preservation of many of the roadless areas that remain. This alternative has the second greatest negative impact on livestock grazing and oil and gas jobs and income. This alternative provides the most improvement for recreational opportunities. The alternative will support the greatest growth in the recreational and tourism industry. Greater diversification of the local economies is a likely consequence of this alternative.

Livestock grazing

Table 3. Livestock grazing compared by alternative

Revision topic/key indicators	Existing condition	Alt 1	Alt 2	DEIS Alt 3	FEIS Alt 3	Alt 4	Alt 5	Modified Alt 3 Final
Livestock grazing								
Acres suitable rangeland	1,073,516	1,113,070	1,113,000	1,051,800	1,112,970	1,111,410**	1,113,030**	1,112,970
Estimated AUM's of livestock grazing	434,451	459,410	459,530	376,300	398,160	287,650	350,007**	398,160

***This table corrects values for Alt 4 and Alt 5 acres of suitable rangeland, and the value for estimated AUM's of livestock grazing for Alt 5. The values found in FEIS Table 2-8 on page 2-43 are in error.*

Existing condition

Grazing is a dominant use of the grasslands. The 20-year average authorized livestock use level was selected to approximate the existing condition. The 20-year average reflects differences in annual authorizations that were due primarily to fluctuations in resource conditions due to precipitation amounts and work toward compliance with the Custer National Forest Land and Resource Management Plan direction. The existing condition identifies roughly 1,113,070 acres of suitable range and 434,451 available Animal Unit Months (AUMs). The existing condition also includes a broad array of livestock management systems ranging from season long to multiple unit time controlled rotations. The majority of grassland acres are allocated to rangeland and key wildlife area resource emphasis.

Alternatives 1 and 2

These alternatives project nearly identical livestock use. Alternative 1 – no action, reflects the level of use under the Custer Plan. Alternative 2 reflects a maximum grazing level. The similarity between these two alternatives reflects the strong emphasis of the Custer Plan on livestock grazing. Alternative 1 identifies 1,113,070 acres of suitable range, Alternative 2 1,113,000 acres of suitable range. Alternative 1 makes available 459,410 AUMs; Alternative 2 allows 459,530 AUMs. Projections of potential AUMs under these alternatives are based on minimal objectives for high structure and no objective for rest. Emphasis is placed on structural improvement development and vegetation manipulation necessary to maximize livestock use while minimally providing for other resource values. The emphasis on livestock production in these alternatives provides the flexibility to incorporate use of fences and

water developments to maintain projected AUM levels. Similar to the existing condition, the majority of grassland acres under these alternatives are allocated to rangeland with a broad resource emphasis.

Alternative 3 Draft

Alternative 3 Draft identifies 1,051,800 acres of suitable range and 376,000 available AUMs. Although still an important use on the DPG, this alternative would place less emphasis on livestock grazing. This alternative emphasizes the use of livestock grazing to improve and maintain rangeland and forest health. Limits would be placed on minimum pasture size and the use of fences and water developments in some management areas. Alternative 3 Draft reflects a grazing level that is consistent with providing a diversity of habitat conditions. Emphasis would be placed on creating more high structure along with some low structure. It is in the midrange of alternatives for estimated livestock grazing levels.

Under this alternative, nearly half of the grassland acres are allocated to a rangeland with broad resource emphasis, roughly one third to an emphasis on rangelands with diverse natural appearing landscapes, and 53,040 acres with emphasis on restoration of tall-grass prairie. Grazing is an important component of nearly all the remaining management areas.

Alternative 3 Final and Modified Alternative 3 Final

This alternative identifies 1,112,970 acres of suitable range and 398,160 available AUMs. These alternatives are the same with regard to their effects on livestock grazing. Both provide more emphasis on livestock grazing than Alternatives 3 Draft, 4, or 5. In addition, changes were made from Alternative 3 Draft that allow for greater flexibility in the use of fences and water developments, and the use of the national grasslands for feeding and storage of feed. These, as well as other changes, were made as a result of public input and comment.

As with Alternative 3 Draft, nearly half of the grassland acres are allocated to a rangeland with broad resource emphasis, a third to an emphasis on rangelands with diverse natural appearing landscapes, and 63,760 acres to restoration of tall-grass prairie. Grazing is an important component of nearly all the remaining management areas. These two alternatives address viability concerns for all species.

Alternative 4

Livestock grazing is emphasized the least under this alternative. It is still an important use, but this alternative emphasizes natural processes as one of its main components. This alternative identifies 1,111,410 acres suitable range and 287,650 available AUMs. This alternative places emphasis on wildlife habitat and uses livestock grazing to accomplish habitat goals and objectives. This alternative has the highest rest objective and places more emphasis on rangeland health than any other alternative. Grazing is not as important a goal as maintenance of rare plant and animal communities and restoration of impaired communities.

Alternative 5

This alternative results in the second lowest projected level of livestock grazing. The alternative identifies 1,113,030 acres of suitable range and 350,007 available AUMs. This alternative puts more emphasis on recreational opportunities and less emphasis on livestock grazing. Grazing intensities vary to provide diverse habitats and more recreational opportunities, such as upland game bird hunting in the fall.

Oil and gas leasing

Table 4. Oil and gas compared by alternative

Revision topic/key indicators	Existing condition	Alt 1	Alt 2	DEIS Alt 3	FEIS Alt 3	Alt 4	Alt 5	Modified Alt 3 Final
Oil and gas								
Acres with existing leasing decisions *	992,870	992,870	992,870	992,870	992,870	992,870	992,870	992,870
Not available	24,940	24,940	24,940	24,940	46,590	24,940	24,940	46,590
Acres available for leasing	967,930	967,930	967,930	967,930	946,280	967,930	967,930	946,280
No surface occupancy (NSO)	209,520	209,520	185,600	281,860	204,380	298,610	237,960	207,660
Controlled surface use (CSU)	77,920	77,920	45,230	129,110	159,230	220,650	317,490	175,390
Timing limitation (TL)	133,630	133,630	185,650	170,720	202,990	176,040	176,610	225,910
Standard lease terms only	589,840	589,840	569,800	412,590	407,430	389,050	306,320	407,430

*All acres in this section refer to mineral estate acres.

Alternatives incorporated by reference
Forest Service regulations require consideration of the "no leasing" alternative. Analysis of two alternatives, the "no leasing" alternative and the "leasing with standard lease terms only" alternative, has been incorporated by reference from the EIS's for the Northern and Southern Little Missouri and Cedar River Oil and Gas Leasing Decisions. These alternatives were considered but not reanalyzed for this decision because they did not meet goals and objectives of the plan. Prior analysis showed they did not meet the goals and objectives of the current Custer National Forest Plan.

Existing condition, and Alternative 1 – no action
These alternatives have a strong emphasis toward mineral development. Only 24,940 acres are not available for leasing. About 97% of the federal mineral estate is available for leasing. These areas are available with a variety of stipulations required to minimally protect resources. Surface occupancy is allowed on about 76% of the federal mineral estate. The information used to analyze the current stipulations has been updated to include the most recent wildlife surveys and to reflect more recent mapping efforts such as those depicting steep slopes.

Alternative 2
This alternative has a slightly stronger emphasis toward mineral development than Alternative 1. Only 24,940 acres are not available for leasing. Slightly fewer acres are protected from development through the use of "no surface occupancy" (NSO) stipulations. In particular this alternative does not protect many roadless resources as well as some of the other alternatives. As is true of Alternative 1, about 97% of the federal mineral estate is available for leasing with a variety of stipulations required to minimally protect essential and required resources. Alternatives 2, 3 Final, 4 and 5 analyze a consistent set of oil and gas stipulations associated with a variety of resources. It is the stipulations assigned to the management area allocations that vary.

Alternative 3 Draft
This alternative emphasizes mineral development less than Alternatives 1 or 2. Similar areas (24,940 acres) are not available for leasing. This alternative provides greater protection of roadless resources through the use of "no surface occupancy" stipulations. These areas can be leased, but surface occupancy is not authorized. This alternative also attempts to provide more undeveloped acres for bighorn sheep and other resources than all other alternatives except Alternative 4; however, development in many of the areas may occur independent of DPG plan direction as others exercise valid existing rights to access their lands and minerals included in these areas. Most of the mineral estate is available for leasing and development with a variety of stipulations required to protect other identified resources. Surface occupancy is allowed on approximately 69% of the federal mineral estate.

Alternative 3 Final
This alternative emphasizes minerals more in some areas and less in others. It includes 46,590 acres that are not available for leasing (MAs 1.2A and 2.4). This is an increase of almost 22,000 acres that will not be available for oil and gas leasing. These two areas previously had NSO stipulations and consequently, limited surface occupancy. It was assumed that under current technology only those areas within a half mile of the boundary of an NSO area could be developed; consequently, change from NSO to not administratively available (NAA) is a relatively small change with respect to these specific areas. Another change made between release of the draft and final grasslands plan and FEIS included changes made in the bighorn sheep management areas. Changes were made that made more area available to surface oil and gas development than was available in Alternative 3 Draft. Surface occupancy is allowed on about 75% of the federal mineral estate. This alternative better recognizes existing land and mineral ownership patterns than the previous alternative allowing development of more federal surface and minerals in areas where valid existing rights may result in development of these areas independent of DPG plan direction. These changes generally allow more development of mineral resources, and they were made to respond to public comments, potential ongoing development of existing leases, and recognition of the existing land and mineral ownership patterns.

Modified Alternative 3 Final
This alternative provides slightly more emphasis to mineral development than Alternative 3 Final. About 19,440 mineral acres of MA 3.51A have been changed to MA 3.51B. The new MA 3.51B will be available for leasing with controlled surface use and timing limitations. This makes mineral development of the federal minerals slightly more likely than was anticipated under the 3.51A management area. As with the previous alternative, this alternative better recognizes existing land and mineral ownership patterns allowing development of more federal minerals in areas where valid existing rights may result in development independent of DPG plan direction. Surface occupancy is allowed on about 75% of the federal mineral estate.

Alternative 4
This alternative provides the least emphasis on oil and gas of all the alternatives, but oil and gas development

is still a key use of the grasslands. Surface occupancy is allowed on approximately 67% of the federal mineral estate. This alternative does not recognize existing land and mineral ownership patterns as well as the previous alternative. Unintended development across federal surface will occur more often than in the previous two alternatives as a consequence of development by others exercising their valid existing rights.

Alternative 5
This alternative provides the third least emphasis on oil and gas development of all the alternatives. Surface occupancy is allowed on approximately 74% of the federal mineral estate. This alternative has the fewest acres available with standard lease stipulations.

Plant and animal damage control

Table 5. Plant and animal damage control compared by alternative

Revision topic/key indicators	Existing condition	Alt 1	Alt 2	DEIS Alt 3	FEIS Alt 3	Alt 4	Alt 5	Modified Alt 3 Final
Plant and animal control								
Acres prairie dog poisoning	Variable	No change	Increase	Decrease	Minimal poisoning	No poisoning	Decrease	Minimal poisoning
Reduction in Noxious weeds and invasive plants	No change	No change	Reduce by 15%	Contain or reduce	Contain or reduce	Reduce by 15%	Contain or reduce	Contain or reduce

Using rodenticides is currently limited under all alternatives by a nationwide moratorium on National Forest System lands, which states rodenticides can be used only:

1. Where there is a threat to public health and safety,
2. Where prairie dogs are causing damage to private and public facilities such as cemeteries and residences.

Existing condition, and Alternative 1 – no action
Prairie dog control is considered when the grassland total exceeds 3,300 acres on primary range, or can be instituted for several other reasons including but not limited to threat to human health and safety, and unwanted expansion on to adjoining private property. Noxious weed management will focus on eliminating new starts and containing current infestations.

Alternative 2
Prairie dogs are controlled aggressively in areas where they threaten human health or safety, or threaten adjoining private property interests. Noxious weeds management efforts reduce infestations by 15%.

Alternative 3 Draft
Prairie dogs are controlled where they threaten human health or safety, or threaten adjoining private property. Poisoning is not implemented in response to loss of forage. Poisoning occurs where prairie dogs are encroaching onto private lands, and on NFS tracts of less than 3000 acres. Noxious weeds management focuses on reducing or at least containing current infestations.

Alternative 3 Final
Few, if any, prairie dogs areas are controlled with poison. Prairie dogs can be poisoned where they pose a threat to public health and safety, cause damage to public or private infrastructure, and in response to unwanted prairie dog colonization on private land where poisoning complies with U. S. Fish & Wildlife Service approved, statewide prairie dog conservation strategy. Prairie dogs are managed for habitats key to other wildlife species. The intent is to expand some prairie dog towns ultimately to provide a habitat for black-footed ferrets. Noxious weed management focuses on reducing or at least containing current infestations.

Modified Alternative 3 Final
This alternative is the same as Alternative 3 Final, except that limited use of rodenticides can occur to control prairie dog expansion onto private land on a case-by-case basis when consistent with the statewide prairie dog conservation strategy. The U. S. Fish and Wildlife Service is no longer approving state plans, but we will coordinate with them before any use of rodenticides. Site-specific analysis of rodenticide use will be conducted. This policy will be reviewed in three years. Noxious weeds management focuses on reducing or containing current infestations.

The effects of this alternative are the same as those outlined for Alternative 3 Final. The biological

determination for prairie dogs is the same and will maintain viability.

Alternative 4

Prairie dog control would only be considered to address human health and safety concerns. Vegetation management and other non-chemical methods could be used to help control prairie dogs where complaints occur or prairie dogs are not wanted. Noxious weed management focuses on reducing infestations by 15%.

Alternative 5

Prairie dogs are controlled in areas where they threaten human health, safety, or infrastructure, and cause agricultural damage on adjoining private property. Poisoning is not implemented to respond to loss of forage. Noxious weed management focuses on reducing or at least containing current infestations.

Rangeland and forest health

Table 6. Rangeland and forest health compared by alternative

Revision topic/key indicators	Existing condition	Alt 1	Alt 2	DEIS Alt 3	FEIS Alt 3	Alt 4	Alt 5	Modified Alt 3 Final
Rangeland and forest health								
Predicted habitat suitability for management indicator species								
Western prairie fringed orchid	Not estimated	Not estimated	Not estimated	Not estimated	Not estimated	Not estimated	Not estimated	Not estimated
Plains sharp-tailed grouse	1-10%	15-30%	10-30%	0-60%	20-40%	35-65%	25-55%	20-40%
Greater prairie chicken	1-10%	20-30%	20-30%	50-60%	30-40%	60-70%	45-55%	30-40%
Sage grouse	Unknown	15-25%	10-20%	Maintain or increase	20-30%	45-55%	25-35%	20-30%
Black-tailed prairie dog (predicted total colony acreage)	2,600	2,600	≤ 2,600	4,400 to 11,000	7,900 to 13,400	7,900 to 13,400	4,400 to 6,900	7,900 to 13,400
Endangered Species Act species, candidate species, other species at risk -- See Biological Assessment and Evaluation								
Black-footed ferret areas (number and acres)	0 0	0 0	0 0	0 0	1 29,180	1 27,920	0 0	1 29,180
Desired grass/shrub structure (midpoint)								
Percent area low	Unknown	15	15	15	14	14	14	15
Percent area moderate	Unknown	70	70	49	60	45	51	60
Percent area high	Unknown	15	15	36	26	41	35	26
Desired grass/shrub composition								
Percent area early seral stage	48	10-15	20	10-15	12	10	10-15	12
Percent area mid seral stage	42	N/A	N/A	N/A	69	N/A	N/A	69
Percent area late seral stage	10	N/A	N/A	N/A	19	N/A	N/A	19
Percent area mid/late seral stage	N/A	85-90	80	85-90	N/A	90	85-90	N/A
Percent of riparian/woody draw areas regenerating	55	55	80	80	80	80	80	80
Percent of the suitable rangeland rested	0	0	0	5	5	20	14	5
Percent suitable rangelands bison-only grazing	0	0	0	0	0	5	0	0
Acres prescribed burning	2,000	3,600	2,900	8,500	6,500	21,000	17,000	6,500

N/A means not applicable

Existing condition, and Alternative 1 – no action, Under Alternative 1, prescribed burning would continue to occur on about 3,600 acres. No special management area would be established for black-footed ferrets under these alternatives. With less emphasis on rest and fire disturbance and a stronger emphasis on herbivores, Alternative 1 provides little opportunity to encourage diversity in seral expression as current management has resulted in mostly early and mid seral conditions. It provides less potential to increase forage production that results from increased emphasis on mid and late seral conditions.

There are viability concerns for black-footed ferret, Dakota skipper, powesheik skipper, regal fritillary, and greater prairie-chicken, and numerous plant species.

One major reason there are viability risks is the lack of habitat diversity. The lack of high structure vegetation limits sharp-tailed grouse populations. This alternative does not include a black-footed ferret reintroduction area. Without this additional site, the probability of the national recovery objective being met is significantly reduced.

Alternative 2

Alternative 2 proposes prescribed burning on about 2,900 acres. By maximizing livestock herbivory and no emphasis on rest and fire disturbance, this alternative would result in more low and mid seral conditions with a resulting reduction in habitat diversity. It provides less potential to increase forage production that results from increased emphasis on mid and late seral conditions. This alternative does not include a black-footed ferret reintroduction area. Without this additional site, the probability of the national recovery objective being met is significantly reduced. There are viability concerns for numerous plant species, black-footed ferret, Dakota skipper, powesheik skipper, regal fritillary, greater sage-grouse, and greater prairie-chicken. One major reason there are viability risks is the lack of habitat diversity. The lack of high structure vegetation limits sharp-tailed grouse populations.

Alternative 3 Draft

Prescribed burning would occur on about 8,500 acres under Alternative 3 Draft. By emphasizing a more balanced mix of herbivores, rest and fire disturbance, this alternative places emphasis on mid and late seral conditions. The objective for that mix of seral conditions is expected to occur as the alternative is fully implemented over the life of the plan. This alternative will result in vegetation patterns that provide a higher level of habitat diversity. It provides more potential to increase forage production that results from more emphasis on mid and late seral conditions than the previous alternatives. Alternative 3 Draft does not propose a special management area for black-footed ferret reintroduction. Black-footed ferrets and numerous plant species would remain as viability concerns under this alternative. Alternative 3 Draft does not contribute to black-footed ferret recovery. Eighty percent (80%) of riparian and woody draws would regenerate under this alternative.

Alternative 3 Final and Modified Alternative 3 Final

Prescribed burning under Alternative 3 Final would occur on about 6,500 acres. This alternative places increased emphasis on a mix of seral conditions that is more responsive to both low and high seral dependent species. The effect on vegetation and seral conditions would be similar to Alternative 3 Draft. A special management area would be designated for black-footed ferret reintroduction. Alternative 3 Final would adequately address the viability concerns noted in the previous alternatives. Alternative 3 Final does contribute to black-footed ferret recovery. There are no differences in effects in these alternatives.

Alternative 4

Alternative 4 proposes the greatest amount of prescribed burning, encompassing 21,000 acres. With a greater emphasis on fire disturbance and rest, this alternative would cause shifts in vegetation toward mid to late seral conditions. It is expected that achievement of mid and late seral objectives would occur in a more rapid fashion under this alternative. This alternative provides higher potential to increase forage production that results from increased emphasis on mid and late seral conditions than Alternative 3 Draft, Alternative 3 Final, and Modified Alternative 3 Final. Prairie dog acres would likely increase. If this increase was sufficient, black-footed ferrets could be reintroduced under this alternative. As in Alternative 3 Draft and Alternative 3 Final, viability concerns would be better addressed under this alternative than under Alternatives 1 and 2, but threats to several plant species would remain. This alternative includes a black-footed ferret reintroduction area. With this area, the alternative represents a significant contribution to the national recovery program.

Alternative 5

Prescribed burning would occur on about 17,000 acres. This alternative would have very similar effects as Alternative 4 to the vegetation resources by emphasizing mid to late seral conditions. Attainment of diverse habitat values from that emphasis would not occur as rapidly as under Alternative 4. It provides less potential to increase forage production that results from increased emphasis on mid and late seral conditions than Alternative 4 but slightly more than Alternative 3 Final and Modified Alternative 3 Final. Viability concerns would remain for black-footed ferrets and several plant species. Although prairie dog acres would likely increase under this alternative, it does not include a black-footed ferret reintroduction area. Without this additional site, the probability of the national recovery objective being met is significantly reduced.

Recreation and travel management

Table 7. Recreation and travel management compared by alternative

Revision topic/key indicators	Existing condition	Alt 1	Alt 2	DEIS Alt 3	FEIS Alt 3	Alt 4	Alt 5	Modified Alt 3 Final
Recreation and travel management								
Scenic integrity levels								
Low acres	1,190,620	1,190,620	1,203,800	827,140	908,220	836,490	656,640	908,220
Moderate acres	16,400	16,390	44,480	260,400	237,930	208,820	434,400	237,930
High acres	50,170	50,170	8,890	170,570	111,980	211,870	166,150	111,980
Recreation opportunity spectrum classes								
Urban acres	760	760	760	440	450	760	440	450
Rural acres	301,580	294,860	301,570	289,510	291,960	290,050	279,620	291,960
Roaded modified acres	116,720	116,620	116,620	112,900	112,920	114,080	114,350	112,920
Roaded natural acres	610,750	605,690	609,730	577,050	586,690	559,670	578,960	586,690
Roaded natural non-motorized acres	0	920	1,130	3,010	3,370	3,050	1,080	3,370
Semi-primitive motorized acres	228,320	196,290	228,320	113,770	135,120	93,430	129,510	135,120
Semi-primitive non-motorized acres	0	43,000	0	161,460	127,610	197,100	154,160	127,610
Capacity of developed sites/clusters of dispersed sites (persons at once)	185	185	185	330 to 350	330 to 350	185	480 to 650	330 to 350
Trails miles	170	170	170	210	210	170	170	210
Dispersed recreation								
Change in fishing opportunity	No change	No change	No change	Add 1 pond	Add 1 pond	No change	Add 2-3 ponds	Add 1 pond
Change in quality deer habitat	No change	No change	+	+	+	+	+	+
Change in quality upland bird habitat	No change	No change	No change or reduction	++	++	+++	+-	++
Acres prairie dog colonies closed to shooting yearlong	0	0	0	0	All ferret habitat on Little Missouri	All NFS lands	0	All ferret habitat on Little Missouri
Acres allowing off-road motorized travel	1,257,360	1,257,360	1,257,360	0	0	0	2,800	0
Acres where no motorized use is allowed (except administrative use)	1,500	1,500	1,500	164,170	130,690	199,660	155,230	130,690
Acres with designated routes for motorized travel	0	0	0	1,093,930	1,128,420	1,058,860	1,102,890	1,128,420

Designated routes = existing routes
+ Represents a qualitative increase over base which is represented by alternative 1
+- Represents a qualitative increase but one that is less substantial than +

Existing condition, Alternative 1 – no action, and Alternative 2

The DPG presently has 170 miles of constructed recreation trails. No expansion of developed recreation facilities or capacity is planned. The recreational opportunity spectrum for these alternatives is very similar. These alternatives place emphasis on maintaining the present level of motorized recreation opportunities and have fewer nonmotorized areas than Alternatives 3, 4 or 5. Because non-motorized settings are very limited in these alternatives, the range of recreational settings is also more limited than in Alternatives 3, 4, or 5. The Region One Off-Highway Vehicle (OHV) Decision, completed January, 2001, limited motorized use to existing roads and trails. Therefore, even though Alternatives 1, 2 and 3 note that there are almost no acres where motorized travel is restricted, the OHV decision did restrict cross-country travel for all alternatives. For these alternatives motorized travel is restricted only on the Maah-Daah-

Hey Trail, North Country Trail, and research natural areas. Nearly all roads and trails except those noted above are open to motorized uses, therefore maintaining the current emphasis on motorized recreation.

These alternatives result in vegetative conditions that provide less diverse habitat conditions than the other alternatives. High structure grasslands are scarce. This lack of high structure makes the grasslands less conducive to activities like fall bird hunting. The reduced diversity of conditions provides less diverse settings and experiences for all users. Consequently, these alternatives do not support a variety of recreational uses as well as the other alternatives. No acres are closed to prairie dog shooting. These alternatives along with Alternative 3 Draft provide the greatest opportunity for this activity.

Alternative 3 Draft

Recreational facility capacity is expanded to twice its current capacity. There are about 210 miles of constructed recreation trails. This alternative provides significantly more areas than the previous alternatives where non-motorized uses and experiences are desired. Approximately 13% of the Dakota Prairie Grasslands will be managed for nonmotorized settings. Motorized uses are allowed on existing roads and trails on 87% of the grasslands. This alternative will provide more diverse vegetative conditions than the preceeding alternatives, some of which will be conducive to activities such as fall bird hunting (areas of high structure). This alternative provides for a diversity of settings and experiences that offers opportunities for more users; consequently, this alternative better supports diverse recreational uses than the previous alternatives.

Alternative 3 Final and Modified Alternative 3 Final

These alternatives are very similar to Alternative 3 Draft. Alternative 3 Final and Modified Alternative 3 Final manage more acres for motorized uses on existing roads and trails than Alternative 3 Draft, and have more restrictions on prairie dog shooting in the ferret reintroduction area (MA3.63). This means slightly fewer acres are available for prairie dog shooting under this alternative than Alternative 3 Draft.

Approximately 10% of the Dakota Prairie Grasslands will be managed for nonmotorized settings. Motorized uses are allowed on existing roads and trails on 90% of the grasslands. Motorized travel is prohibited on the Maah-Daah-Hey Trail and North Country Trail. These restrictions are continued under this alternative.

The effects on recreation and travel management of Modified Alternative 3 Final are the same as Alternative 3 Final.

Alternative 4

No expansion of trails or developed recreation facilities is planned. There are 170 miles of constructed recreational trails. Off road motorized travel is prohibited. This alternative provides the most acres of non-motorized use settings. Approximately 16% of the Dakota Prairie Grasslands will be managed for nonmotorized settings. Motorized uses are allowed on existing roads and trails on 84% of the grasslands. Prairie dog shooting is restricted everywhere on the national grasslands. This alternative is the most restrictive alternative in this regard.

This alternative will provide the most diverse vegetative conditions with the greatest amount of high structure that benefits activities such as fall bird hunting. This alternative will provide the greatest diversity of settings but fewer developed sites and facilities than Alternatives 3 Draft and 3 Final, and Modified Alternative 3 Final.

Alternative 5

Recreational facility capacity is expanded from two to almost four times its current capacity. There is a total of 170 miles of constructed recreation trails. This alternative provides more areas where non-motorized uses and experiences are the objectives. It has the third highest number of acres in non-motorized settings. Approximately 12% of the Dakota Prairie Grasslands will be managed for nonmotorized settings. Motorized uses are allowed on existing roads and trails on 88% of the grasslands.

This alternative will provide more diverse vegetative conditions, some of which will be conducive to fall bird hunting (areas of high structure). The alternative also provides for a diversity of settings and experiences for all users. In this regard, this alternative is rated slightly below Alternative 3 Final and Modified Alternative 3 Final.

About 2,800 acres are open to off-road motorized travel. Motorized travel is prohibited on 155,230 acres. No prairie dog shooting restrictions are included under this alternative. Similar to Alternatives 1 and 2, and the existing condition, this alternative rates highest for opportunities for recreational prairie dog shooting.

Special area designations

Table 8. Special-area designation compared by alternative

Revision topic/key indicators	Existing condition	Alt 1	Alt 2	DEIS Alt 3	FEIS Alt 3	Alt 4	Alt 5	Modified Alt 3 Final
Special area designations								
Recommended for wilderness (number of areas and acres)	0	0	0	3 22,190	0 0	9 85,940	9 72,630	0 0
Recommended Wild/Scenic rivers								
Little Missouri River (Forest Service)								
Miles wild classification	0	0	0	0	0	3.3	0	0
Miles scenic classification	0	0	0	0	0	88.9	92.2	0
Miles recreation classification	0	0	0	0	0	13.7	13.7	0
Sheyenne River								
Miles wild classification	0	0	0	0	0	0	0	0
Miles scenic classification	0	0	0	0	0	0	0	0
Miles recreation classification	0	0	0	0	0	0	10.2	0
Special Interest Areas (number and acres)	0	0	9 1,770	16 6,390	17 6,420	14 5,930	13 4,640	17 6,420
Research Natural Areas (number and acres)	3 840	3 840	3 840	12 20,410	11 20,500	13 23,190	7 1,900	11 20,500

Special area designations were important considerations through this planning process. Many public comments were received that desired establishment of these special interest areas to preserve some of the unique features found on the grasslands. An important issue to some people was the maintenance of the undeveloped character of some of these areas. Many of these comments were received from the urban areas of North Dakota and from other states. Areas with these undeveloped characteristics have shrunk appreciably over the last several decades. Oil field development is the primary cause of the reduction in these areas.

Some oppose special designations, favoring instead, continued development and motorized access. This group perceives these areas will result in impacts to their current uses and the economy.

Existing condition and Alternative 1 – no action

The emphasis of these alternatives is on a continuation of current management without the addition of newly designated areas. The three existing RNAs (840 acres) are maintained. These alternatives respond to local issues that promote very high levels of commodity development. Development could occur in most of the inventoried roadless areas because they are allocated to management areas where road construction is permitted.

Alternative 2

The emphasis of Alternative 2 is on production of commodities such as livestock grazing and oil and gas development. This alternative includes the designation of nine new special interest areas covering a total of 1,770 acres. No new RNAs are identified; the three existing RNAs (840 acres) are maintained. As with Alternative 1, development could occur in nearly all of the inventoried roadless areas because they are allocated to management areas where road construction is permitted. This alternative recommends no additions to the Wild or Scenic river system.

Alternative 3 Draft

This alternative represents increased emphasis on allocating land to special designations. The alternative includes three recommended wildernesses totaling 22,190 acres, 16 special interest areas comprised of 6,390 acres, and 12 research natural areas (nine new RNAs) totaling 20,410 acres. About 55% of the inventoried roadless areas were allocated to management areas that restrict construction of new roads unless valid existing rights are exercised. In cases where these rights exist, roads could be developed. Nine new RNA's are identified. This alternative makes significant progress toward achieving a national RNA system that includes both tall- and mixed-grass prairie communities. Because national grassland ownership along the Little Missouri and Sheyenne Rivers consists of scattered

small land parcels, this alternative recommends no Wild or Scenic Rivers.

Alternative 3 Final and Modified Alternative 3 Final

These alternatives are similar to Alternative 3 Draft in that it emphasizes special areas. However, instead of identifying areas recommended for wilderness, Modified Alternative 3 Final identifies areas as suitable for wilderness (41,520 acres). A recommendation for wilderness was not made because of a lack of public consensus over the value of wilderness. The four areas that were found to be suitable for wilderness were provided a management area designation that will preserve their wilderness characteristics over time. Approximately 50% of the inventoried roadless areas were allocated to management areas that restrict construction of new roads unless valid existing rights are exercised. In cases where these rights exist, roads could be developed. Seventeen special interest areas (6,420 acres) and 11 RNAs (20,500 acres) are identified under these alternatives. Eight new RNA's are identified. These alternatives make significant progress toward achieving a national RNA system that includes both tall- and mixed-grass prairie communities. Because national grassland ownership along the Little Missouri and Sheyenne Rivers consists of scattered small land parcels, these alternatives recommend no Wild or Scenic Rivers.

The following table details the allocation of inventoried roadless areas to management areas where road construction is restricted under Modified Alternative 3 Final. The table includes both publicly proposed areas as well as other inventoried roadless areas. All of these areas were considered for inventoried roadless areas (IRA) as part of the roadless rule planning process. Only one publicly proposed roadless area (Grand River Badlands) was deleted from the inventory and the boundary of another publicly proposed area was altered (South Fork). All other areas were retained as inventoried roadless areas in the planning process.

Table 9. Management Area allocation of Public Proposed and Forest Service Inventoried Roadless Areas in Modified Alternative 3 Final

Roadless areas	Approximate % of IRA allocated to management area where direction prohibits construction of new roads*	Approximate % of IRA allocated to MA where direction does not prohibit new roads
Grand River Badlands**	Dropped as an IRA	N/A
South Fork**	Boundary modified (100)	0
Twin Butte**	100	0
Delamere	0	100
Durler	0	100
McLeod	0	100
Sheyenne	34	66
Venio	0	100
Bell Lake	0	100
Blacktail	0	100
Bullion Butte	70	30
Dawson Waterhole	0	100
Easy Hill	0	100
Kinley Plateau	99+	less than 1
Magpie	60	40
Ponderosa Pine	99+	less than 1
Scairt Women	0	100
Strom Hansen	0	100
Tracy Mt.	91	9
Twin Buttes	67	33
Wannagan	70	30
Collin/Bennet-Cottonwood	95	5
John Town/Horse Creek	30	70
Lone Butte	90	10
Long X Divide	100	0

* Management Areas 1.2A, 1.31, 2.2, 3.63NR, 3.65NR, and 6.1NR prohibit new road construction with the exception of the assertion of valid existing rights
**Public proposed roadless areas

A variety of reasons were considered when allocating these areas to management areas (FEIS appendix C). Factors such as surface and mineral ownership patterns, development that had occurred since the inventory, and existing oil and gas leases and potential for development were the primary considerations.

It is recognized that with the allocation of IRAs to management areas where new road construction is restricted, construction may not stop due to the exercise of valid existing rights that may occur within the areas. The Dakota Prairie revised plan states that valid existing rights will be honored.

The extent of development that may occur in management areas 1.2A, 1.31, 2.2, 6.1NR, 3.65NR due to the exercise of valid rights cannot be projected at this time.

Alternative 4

This alternative emphasizes natural processes and restoration of native ecosystems. As a result, Alternative 4 places great emphasis on designation of special areas. Approximately 66% of the inventoried roadless areas were allocated to management areas that restrict construction of new roads unless valid existing rights are exercised. In cases where these rights exist, roads could be developed. There are 14 proposed special interest areas, totaling 5,930 acres, and 13 research natural areas, totaling 23,190 acres. Nine wilderness areas are recommended for a total of 85,940 acres. Approximately 105.9 miles of the Little Missouri River would be recommended for federal designation in the Wild and Scenic river system. Ten new RNA's are identified. This alternative makes the most progress toward achieving a national RNA system that includes representatives of both tall-and mixed-grass prairie communities.

Alternative 5

This alternative emphasizes recreation opportunities and non-commodity services and also provides commodity outputs that complement recreation objectives. Consequently, Alternative 5 places similar emphasis on special area designations as does Alternative 4. There are only slight variations in the acreages of the designations. Approximately 54% of the inventoried roadless areas were allocated to management areas that restrict construction of new roads unless valid existing rights are exercised. A total of 13 special interest areas and seven research natural areas are proposed, for a total acreage of 4,640 and 1,900 acres respectively. Four new RNA's are identified. This alternative makes moderate progress toward achieving a national RNA system that includes both tall- and mixed-grass prairie communities. There are nine recommended wilderness areas for a total of 72,670 acres. In addition to the 105.9 miles of the Little Missouri River recommended for federal designation in the Wild and Scenic river system, 10.2 miles of the Sheyenne would be recommended for inclusion in the system.

Wide-Ranging Management Options

Alternatives considered but eliminated from detailed study

The following alternatives were considered and eliminated from further detailed study during the planning process. They are discussed more specifically in Chapter 2 of the Final Environmental Impact Statement, including the reasons for their elimination.

- Passive Management Alternative: This is an alternative that would restore biological communities and health using limited active resource management activities.
- Bison-Restoration/Free Roaming Bison Alternative: Tribes, inter-tribal organizations, individual tribal members and many others, proposed removing domestic livestock and restoring free-roaming bison to the national grasslands.
- Conservation Reserve Alternative: This alternative would include principles of conservation biology to establish core reserve areas on national grasslands and link core areas with biological corridors.
- Designation of the Site-Specific Motorized Routes: This alternative would include information to make these site-specific travel way determinations within this revision decision.
- No Grazing Alternative: This alternative would prohibit livestock grazing.

Changes made between the draft and final plans

To respond to public comment many changes were made between the draft and the final plans. The following list highlights some of the changes, but it does not represent the exhaustive list of changes that were made in response to public comments.

- No recommended wilderness (22,190 acres) was made in the final plan. Only "suitable for wilderness" was identified for 41,520 acres.
- Changed 12,000 acres of unoccupied bighorn sheep (MA 3.51) where oil and gas development could not occur to MA 3.65 where oil and gas activities can occur.
- Changed MA 3.51 where oil and gas development could not occur to MA 3.51A, providing greater flexibility on 26,200 acres of federal mineral ownership for oil and gas development.
- Changed Horse Creek area from MA 6.1 and MA 1.31 to MA 3.63 where management of prairie dogs and black-footed ferret is emphasized.
- Deleted MA 3.65 management direction that limited development of fences, water developments and roads.
- Deleted the paleontologic controlled surface use stipulation, as requested by the oil and gas industry. Protected paleontological resources through use of a Lease Notice instead. This change resulted in an increase of more than 300,000 acres of standard lease stipulations over Alternative 3 Draft.
- Added direction to Chapter 2 - Infrastructure, allowing new developments needed to achieve desired conditions.
- Changed "no feeding and storage of forage on national grasslands" to "minimize feed storage and routine feeding on NFS lands," to provide flexibility to those that need this option.
- Used NRCS stocking formula with modifications for wildlife needs and production data from NRCS and NDSU.
- Added requested information about changes in private land values as a result of changed grazing levels.
- Forest Service added the effects of management changes associated with private land included in Forest Service grazing allotments. While this effect was analyzed as requested, it is outside the control of the Forest Service. Private landowners can fence these lands at any time and graze them as they choose.

Many more changes were made between the draft and the final plans but those listed are considered the most significant. In addition, a few relatively minor changes were made in the preferred Alternative 3 Final to formulate the final selected Modified Alternative 3 Final. These changes are listed previously in this document.

Implementation

Putting the plan into action

Implementation of this ROD will occur seven (7) calendar days after the legal notice of this decision is published in the Federal Register.

Under NFMA, "permits, contracts, and other instruments for the use and occupancy" of National Forest System lands are required to be "consistent" with the current Land and Resource Management Plan. However, NFMA specifically qualifies the requirement in three ways: 1) these documents must be revised only "when necessary," 2) these documents must be revised "as soon as practicable," and 3) any revisions are "subject to valid existing rights."

I have determined not to apply the Revised Grasslands Plan's standards and guidelines retroactively, and I find that NFMA does not require revision of these pre-existing use and occupancy authorizations. The law generally does not favor retroactive application of new rules. Existing "use and occupancy" agreements will be brought into compliance with this plan as soon as practicable.

Use and occupancy agreements are for a substantial term. For example, grazing permits are generally issued for a ten-year term. A provision of these permits is that they will comply with the grasslands plan, but I recognize that the Plan direction will be implemented as AMPs are revised. Development of AMPs that will comply with the new standards and guides will occur through a NEPA analysis process. The DPG has scheduled the required analyses, and I find that applying the Revised Grasslands Plan's standards and guidelines through this process will meet the "as soon as practicable" provision.

As noted above, I am phasing in the grazing portion of this decision pending development of sample AMPs,

review by a scientific review team, and verification of the effects of the plan on grazing. During the two years of review, work will continue on revising AMPs, but no revised AMP decisions will be made until a final decision on grazing is completed (except as previously noted). In the development of revised AMPs, the Forest Service will work diligently to minimize adverse impacts to livestock grazers and look for opportunities to provide more benefits. Site-specific information will be collected and used as appropriate in the development of the revised AMPs. When reductions in livestock grazing levels are indicated, the Forest Service will use an adaptive management approach, and will monitor the effects of changes with the permittees. The responsibility for this monitoring needs to be shared by the Forest Service and the permittee. Progress in achieving this monitoring will insure the necessary data is available to evaluate the effectiveness of the changes or the need to make more changes, and to establish long-term carrying capacity.

I recognize that private land is included in many grazing allotments, and I direct the District Rangers and the Grasslands Supervisor to consider this when developing new AMPs, including meeting as many landowner/manager objectives as possible.

As specified in 36 CFR 228 102 (c) (1) (ii), oil and gas stipulations were developed for new oil and gas leases on the Little Missouri and Cedar River National Grasslands. The stipulations were developed based on the management area direction, and standards and guidelines. This ROD makes the leasing availability decision, 36 CFR 228 102 (d). The decision to authorize BLM to lease specific lands, 36 CFR 228 102 (e), will be made in a separate ROD.

Another issue that developed as a result of this planning process was access to state and private minerals (valid existing rights) on the grasslands. One of the assumptions the Forest Service made when doing its "reasonably foreseeable development" for oil and gas was that access to private and state minerals would be provided. The law requires the Forest Service to provide reasonable access, and I am reaffirming that this will be done under this plan. I am also aware that some of our management prescriptions will limit the development of federal minerals where some counties have a 6-¼% royalty interest. In these cases I am directing District Rangers and the Grassland Supervisor to work toward resolving these issues through mutually agreeable mineral exchanges or royalty interest exchanges. Priority will be given to resolving desired state and county exchanges.

The Grasslands Supervisor and District Rangers will consider many new proposed activities during the life of this plan. Site-specific analyses will be done before approving these activities to insure they are compliant with the goals, objectives, and standards and guides of the revised plan. The outcomes specified in the Revised Grasslands Plan are estimates and projections based on available information, inventory data, and assumptions. More information on the difference between programmatic and site-specific projects can be found in the planning record (Overview of Forest Planning and Project Level Decision Making, Gippert, GC, July 1997, http://www.fs.fed.us/forum/nepa/decision/index.html which is incorporated into this ROD by reference).

All activities, many of which are interdependent, may be affected by annual budgets. However, the desired future conditions, goals, objectives, standards and guidelines, and management area prescriptions described in the Revised Grasslands Plan may not change unless the Plan is amended. The Plan will be amended or revised to adjust to changing circumstances. In other words, this amendment process creates a dynamic document that gives us the flexibility to adapt to changing conditions.

Appeal Procedures

How to influence changes to the decisions

This decision is subject to administrative review pursuant to 36 CFR 217. A written appeal of this decision must be filed in duplicate within 90 days of the date of the published legal notice. Appeals must be filed with:

Chief, USDA Forest Service
14th and Independence, SW
201 14th Street
Washington, DC 20250

Any notice of appeal must be fully consistent with 36 CRF 217.9 and include at a minimum:

- A statement that the document is a Notice of Appeal filed pursuant to 36 CFR Part 217.
- The name, address, and telephone number of the appellant.
- Identification of the decision to which the objection is being made.
- Identification of the document in which the decision is contained, by title and subject, date

of the decision, and name and title of the Deciding Officer.
- Identification of the specific portion of the decision to which objection is made.
- The reasons for appeal, including issues of fact, law, regulation, or policy and, if applicable, specifically how the decision violates law, regulation, or policy.
- Identification of the specific change(s) in the decision that the appellant seeks.

Final decisions on proposed projects will be made after site-specific analysis and documentation in compliance with NEPA and are subject to appeal at that time. For questions concerning the appeal process, contact:

USDA Forest Service
Attention: Ecosystem Management Staff (Steve Segovia)
P.O. Box 96090
Washington, D.C. 20090-6090
202.205.1066

For questions concerning the Revised Grasslands Plan, contact:

Dave Pieper
Grasslands Supervisor
Dakota Prairie Grasslands

NEPA/Appeals/Litigation/FOIA Coordinator
Dakota Prairie Grasslands
240 West Century Avenue
Bismarck, ND 58503
701.250.4443, extension 105

Reviewers are encouraged to contact the Grasslands Supervisor before submitting appeals to determine if misunderstandings or concerns can be clarified or resolved.

Other Factors Considered In This Decision

Findings required by other laws

Chapter 3 of the FEIS concludes that the Revised Grasslands Plan complies with the following laws and executive orders:

- *Clean Water Act*
- *Clean Air Act*
- *National Historic Preservation Act*
- *Endangered Species Act* as disclosed in the conclusions presented in Chapter 3, of the FEIS and appendix B of the FEIS. In a January 12, 2001 letter, the U.S. Fish and Wildlife Service concurred with our determination that this decision is not likely to adversely affect any threatened and endangered plant or animal species and is not likely to jeopardize the continued existence or adversely modify proposed critical habitat of any species proposed for listing under the Endangered Species Act.
- *Executive Order for Environmental Justice*
- *Bankhead-Jones Farm Tenant Act of 1937* and 1963 Secretary of Agriculture Executive Order
- *Mineral Leasing Act* as amended
- *Federal Onshore Oil and Gas Leasing Reform Act*
- *Mining and Minerals Policy Act,* and
- Executive Order 13212.

Adhering to legal requirements

The selection of Modified Alternative 3 Final meets all statutory and legal requirements and adheres to applicable policies and Manual and Handbook direction governing plan development and the management of national grasslands. Adherence to these laws, policies, and direction ensures protection of the air, soil and water.

National Forest Management Act

Economic analysis was performed for each alternative. This analysis showed that Modified Alternative 3 Final does not have the highest Present Net Value (PNV). However, I am confident that Modified Alternative 3 Final ranks highest in terms of net public benefits. The economic analysis also showed that the selected alternative would not have a substantial negative effect on the economic impact areas.

As explained in the Final EIS, net public benefits are more than just PNV. There are many outputs and effects (biological diversity, visual amenities, watershed health, etc.) that are more difficult to quantify. These other factors must be taken into consideration in selecting the alternative with the highest net public benefits. Modified Alternative 3 Final does the best job at balancing the trade-offs for competing uses, values, costs, and outputs that the public told us they wanted; therefore, Modified Alternative 3 Final produces the

highest net public benefits. Alternatives are described and compared in Chapter 2 of the Final Environmental Impact Statement and this Record of Decision. Environmental consequences are discussed in Chapter 3.

National Environmental Policy Act

NEPA regulations require agencies to specify the alternative or alternatives that were considered to be environmentally preferable [40 CFR 1505.2(b)].

According to Forest Service policy, the environmentally preferred alternative is the alternative that best meets the goals of Section 101 of NEPA. Section 101 emphasizes the protection of the environment for future generations; the preservation of historic, cultural, and natural resources; and attainment of the widest range of beneficial uses. Modified Alternative 3 Final best meets the goals and the substantive requirements of section 101 of NEPA.

Cooperation Will Make A Better Grasslands

Science offered insights, but now we have to make the plan work

The revised plan for the grasslands evolved from alternatives formed from the best available science from a dedicated interdisciplinary team. However, science does not always provide definitive answers to complex resource management topics nor can any one field of science provide all the answers. Yet science can offer insight into the effects of management decisions and actions. In other words, good science can "clear the fog" and let us see which choice best lets us reach our goals.

The science supporting this plan was both biological and social. It is important to remember that discussions about the grasslands are also discussions about people. While science can help explain the importance of fire, insects, and disease to the grasslands, it can also help us understand the ties between the Forest Service and the people who are connected to the grasslands.

I am pleased with the way science and public discourse helped bring this phase of the Grasslands Plan Revision to completion. The challenge that remains before all of us is to work together. I fully understand that this particular goal can be difficult to achieve. But at the same time, I am confident that cooperation will unite us, because I believe that the concern we all have for the grasslands is our common bond - that these lands remain productive and splendid - not only for the current generation, but for future generations as well.

/s/ Bradley E. Powell
BRADLEY E. POWELL
Regional Forester

DATE: July 31, 2002

Attachment A

3.51B BIGHORN SHEEP HABITAT WITH NON-FEDERAL MINERAL OWNERSHIP

The following bighorn sheep habitat areas have non-federal mineral ownership within them: Icebox Canyon, Buckhorn Creek, Dry Creek and Wannagan. Because of the non-federal mineral ownership, development could occur at any time. These areas are managed to provide quality forage, cover, escape terrain, and solitude for bighorn sheep while accounting for the development of the non-federal mineral ownership (see Preface for an explanation of existing mineral rights). These areas would also allow petroleum resource development on federal minerals with appropriate protections through Controlled Surface Use (CSU) and Timing Limitations (TL) stipulations.

Desired Conditions

Bighorn sheep habitat provides an abundant supply of food and cover. Other resource management activities are modified as needed to maintain high habitat suitability levels and acceptable levels of solitude. To achieve population objectives, the integrity of breeding, lambing and other important habitat features (e.g. escape terrain) in occupied and unoccupied habitat will be protected.

Coordinate with other federal and state agencies and private landowners to manage habitat and monitor herd size of existing bands of bighorn sheep. In conjunction with North Dakota Department of Game and Fish, consider augmenting existing populations with additional sheep introductions.

Mineral operations will occur in a manner that minimizes effects on bighorn sheep and their habitat.

Standards and Guidelines

General

1. Maintain bighorn sheep habitat while allowing activities that do not significantly degrade the characteristics for which the area was designated. **Standard**
2. Implement habitat enhancement projects that improve sheep foraging habitat and provide connectivity of foraging areas with escape terrain. **Guideline**

Minerals and Energy Resources

1. Allow oil and gas leasing with surface occupancy using CSU and TL stipulations as necessary to prevent significant adverse impact to bighorn sheep. Subsequent surface operations may be modified or moved to minimize the additional impacts on bighorn sheep habitat. **Standard**
2. Identify and implement surface and mineral estate land exchanges that contribute to bighorn sheep management objectives. **Guideline**
3. *Refer to Chapter 1 (Grassland-wide Direction), Section D, for additional minerals and energy resources direction.*

Fire

1. *Refer to Chapter 1 (Grassland-wide Direction), Section G, for additional fire management direction.*

Livestock Grazing

1. Do not convert existing livestock allotments to domestic sheep or goat allotments in or adjoining this management area. **Standard**
2. Limit livestock forage allocation based on bighorn sheep needs. **Guideline**
3. *Refer to Chapter 1 (Grassland-wide Direction), Section L and Chapter 2 (Geographic Area Direction) for additional livestock management direction.*

Invasive Species

1. Domestic sheep may be permitted as part of an integrated pest management (IPM) control program if they do not conflict with bighorn sheep management objectives. The North Dakota Game and Fish Department will be consulted if such a program is considered. **Guideline**
2. *Refer to Chapter 1 (Grassland-wide Direction), Section J, for additional invasive species direction.*

Recreation

1. Snowmobile use is prohibited in the management area. **Standard**
2. Restrict travel to protect sheep concentrations during breeding, lambing and winter use, except for administrative use. **Guideline**
3. *Refer to Chapter 1 (Grassland-wide Direction), Section K, for additional recreation direction*

Heritage Resources

1. *Refer to Chapter 1 (Grassland-wide Direction), Section N, for additional heritage resource direction.*

Scenery Management

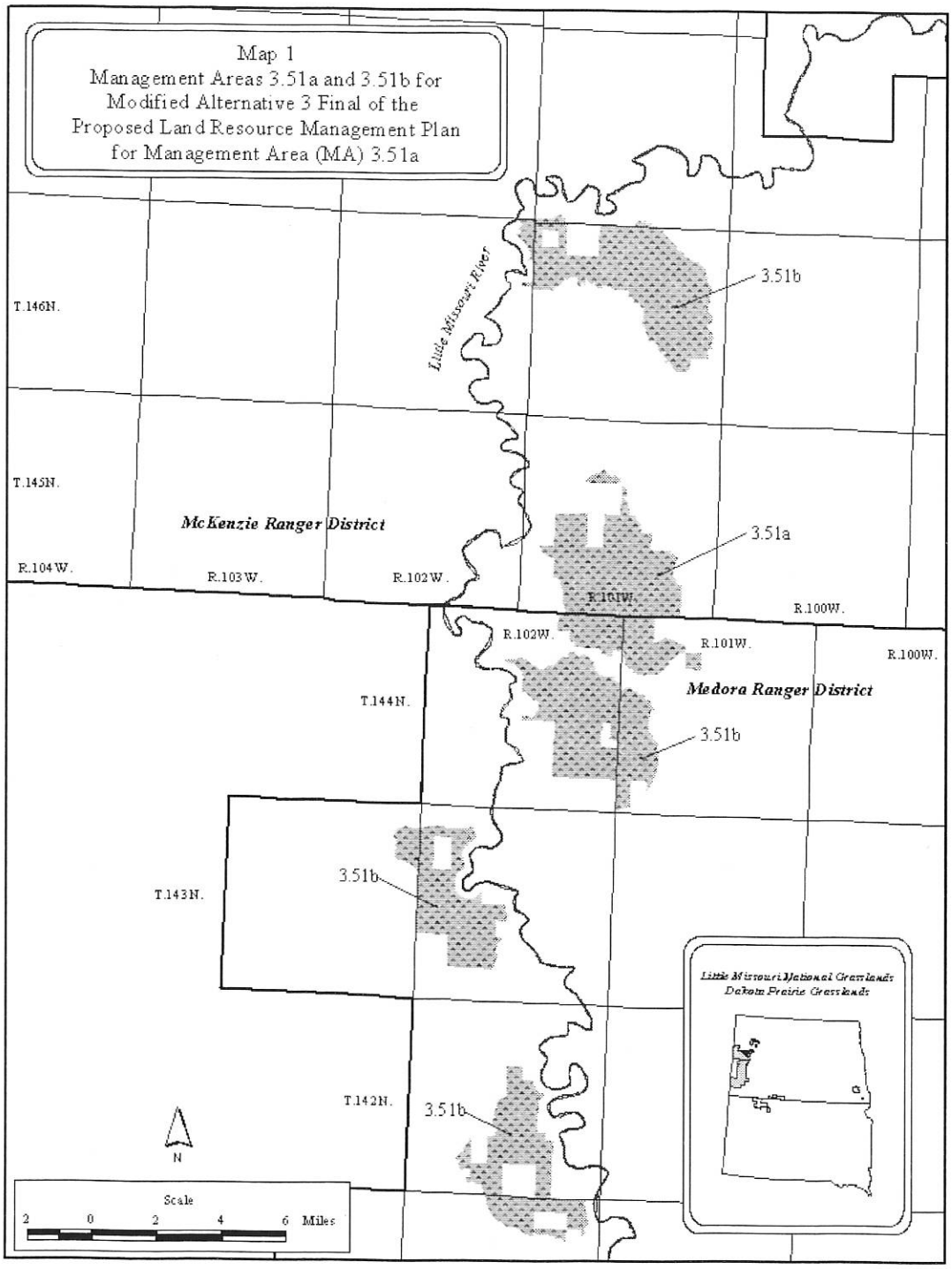
1. Manage area to encompass the spectrum of Scenic Integrity Objectives. **Guideline**
2. *Refer to Chapter 1 (Grassland-wide Direction), Section L, Chapter 2 (Geographic Area Direction) for Scenic Integrity Objectives map and Appendix G (Glossary) for definition of terms.*

Special Uses

1. Allow construction of new utility corridors only if they do not degrade the characteristics for which the area was designated. **Standard**
2. *Refer to Chapter 1 (Grassland-wide Direction), Section P, for additional special uses direction.*

Infrastructure

1. Restrict construction of new travel routes across bighorn sheep habitat, however, allow for valid existing rights such as oil and gas leases. **Guideline**
2. *Refer to Chapter 1 (Grassland-wide Direction), Section Q and Chapter 2 (Geographic Area Direction) for additional infrastructure direction.*


Map 1
Management Areas 3.51a and 3.51b for
Modified Alternative 3 Final of the
Proposed Land Resource Management Plan
for Management Area (MA) 3.51a
Little Missouri River
3.51b
T.146N.
T.145N.
McKenzie Ranger District
3.51a
R.104W.
R.103W.
R.102W.
R.101W.
R.100W.
R.102W.
R.101W.
R.100W.
Medora Ranger District
T.144N.
3.51b
3.51b
T.143N.
Little Missouri National Grasslands
Dakota Prairie Grasslands
T.142N.
3.51b
N
Scale
2 0 2 4 6 Miles